

THE CITY OF ROCKVILLE PLANNING COMMISSION

ROCKVILLE'S PIKE PLAN

Meeting 06-11

T R A N S C R I P T

O F

P R O C E E D I N G S

ROCKVILLE CITY HALL

Rockville, Maryland

March 16, 2011

BEFORE:

JOHN TYNER, Chairman

DAVID HILL, Commissioner

DON HADLEY, Commissioner

JERRY CALLISTEIN, Commissioner

DION TRAHAN, Commissioner

KATHLEEN COOK, Commissioner

KATE OSTELL, Commissioner

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OTHERS PRESENT:

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CINDY KEBBA, Staff

SUSAN SWIFT, Staff

MAYRA BAYONET, Staff

CRAIG SIMONEAU, Staff

PETER CAMPANIDES, Staff

MARCY WAXMAN, Senior Assistant City Attorney

TYLER TANSING, Planning Commission Secretary

ANDREW GUNNING, Planning Commission Staff Liaison

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1 P R O C E E D I N G S

2 MR. TYNER: Good evening, ladies and gentlemen.
3 This is Planning Commission Meeting 6-11. We have a very
4 nice full agenda, lots of people coming to talk about the
5 Rockville Pike Plan which we're delighted to see and we have
6 some other Commission businesses to deal with as well. As we
7 have our normal way, you will notice a change in seating.
8 Jerry Callistein on my right, your left. Don Hadley.

9 MR. HADLEY: I do?

10 MR. TYNER: Dave Hill, with suit coat on. I like
11 it, very nice. Dion will be with us here shortly. Kasey
12 Cook and Kate Ostell, that's your Commission. Marcy Waxman
13 is our Assistant City Attorney. Tyler Tansing keeps us
14 cooking with the right minutes and things on Granicus if you
15 ever want to watch the tapes of the show. A lady we will be
16 hearing with tonight, Cindy Kebba will be working with us and
17 other staff members in the audience. So we're delighted
18 you're here.

19 One matter of Commission business we will be
20 dealing with right off the bat, in our rules of procedure, we
21 have comments about how long people can speak, for how long
22 and all that. Now last week I screwed up a lot by using an
23 interpretation that didn't suit what the Commissioners
24 understood. So we have proposed language which you all have
25 a copy in front of it. I'm going to read it for the audience

1 and for the people on television.

2 A representative speaking on behalf of an
3 organization, including but not limited to a Civic
4 Association, Homeowners Association, Chamber of Commerce, or
5 governmental entity shall be given five minutes, while
6 individuals and business entities shall be given three
7 minutes. If everybody agrees with that, can we agree with
8 that by acclamation and we'll change our rules of procedure
9 to include that? Is that all right Marcy?

10 MS. WAXMAN: Well, you need two weeks' notice so
11 two weeks from now if you have a meeting, I'm not sure.

12 CHAIRMAN: Okay.

13 MS. WAXMAN: So the meeting after that.

14 CHAIRMAN: However we handle it. I just want to
15 note that's how we're going to be conducting tonight and in
16 the future.

17 MS. WAXMAN: Right. Right, and I think you can do
18 that under your current rules of procedures, the way that
19 they're written. So the amendment will kick in after you
20 adopt it, whatever meeting is two weeks plus from today.

21 CHAIRMAN: All right. So if we were to say we
22 adopt it now? Or we want to wait two weeks to do it
23 appropriately?

24 MS. WAXMAN: You have to have two weeks notice.

25 CHAIRMAN: Okay.

1 MS. WAXMAN: So you can't adopt it now but you can
2 do what you just read under how your current rules read
3 anyway. It says recognize group or --

4 CHAIRMAN: Okay.

5 MS. WAXMAN: (Indiscernible.)

6 CHAIRMAN: I'd ask for a further, how can I put it
7 nicely, further delineation of what other groups actually
8 means. So that's what we'll be working with for tonight.

9 And with that, we have a good number of people
10 speaking tonight, 21 folks signed up in advance. I know a
11 few of you wish you had signed up a little earlier and not be
12 at the end of the line but that's the way it is. Anyone else
13 would like to speak, please sign up in the back of the room
14 and for my gentle eyes, please print so I can see what I'm
15 reading off to everybody. Please try to keep your comments
16 to three minutes and if you represent a Civic Association,
17 HOA, or the Chamber and so on, so in fairness to everybody
18 we're trying to get on through our hearings tonight. If you
19 have anything more to say on and beyond that, we're delighted
20 to have written testimony. That testimony can be given to
21 David or Tyler over here so that will be part of the public
22 record. I think any other comments from my colleagues before
23 we get going here? The first person on the --

24 MR. LEVY: Mr. Tyner?

25 CHAIRMAN: Sorry, yes?

1 MR. LEVY: Might I say a couple words before we
2 start?

3 CHAIRMAN: This is a continuation but please do,
4 yes.

5 MR. LEVY: Thank you very much. I just wanted to
6 make the point that folks are obviously preparing to give
7 oral testimony tonight but by no means is this the end of the
8 public record. The public record, per the Planning
9 Commission, will be open through May 27th for written
10 testimony. If folks want to give additional testimony that
11 will be considered by the Planning Commission during their
12 work sessions, we encourage them to give in their testimony
13 by April 15th so that it can be included in the packet that
14 the Planning Commission will review when it starts on its
15 first work session on April 27th. So I want everybody to
16 understand, this is, for now, the last time for oral
17 testimony until a later date which the Planning Commission
18 determine we will also have, but that written testimony is
19 still invited. I think we have some procedural things to
20 talk about regarding documents distribution and perhaps you
21 want to do that after the public hearing?

22 CHAIRMAN: During the Commission business, yes.

23 MR. LEVY: Okay, that'll be fine. Well, that's all
24 I wanted to get to put in then is to make sure folks knew
25 that the record remains open.

1 CHAIRMAN: I think it's our intention that when we
2 have our work sessions, which at the moment, we've got six or
3 seven listed, one of which will be entirely on financing of
4 how we're going to go about doing this, whatever we come up
5 with. Those sessions are open to anybody who wants to come
6 and observe. We won't be taking testimony or comment from
7 anybody but as we did with the RORZOR process and the zoning
8 ordinance, people are welcome to come and observe what's
9 going on and how we're handling the data that's come in. I
10 want to particular mention that if things strike you as we
11 go, the public record is going to be shutting on May 27,
12 however, even if you don't get it in by, did you say April 15
13 for our work sessions, still turn it in because all of that
14 material we'll be using as we go through the process that
15 we'll be using. And it's very important, we need to hear
16 from you.

17 Okay, thank you David. Our first speaker tonight
18 is Susan Seboda of Congressional Motors. I should disclose
19 that I bought my car from them.

20 MS. SEBODA: We won't say how many years ago that
21 was.

22 CHAIRMAN: Oh, no, we won't mention -- it still
23 works. It still drives well.

24 MS. SEBODA: No, no, I didn't mean that about him;
25 the car. All right, good evening everyone. My name is Sue

1 Seboda, President of Congressional VW and Mazda located on
2 the corner of Rockville Park and Wootton Parkway.
3 Congressional has been a landmark in Rockville since 1954 and
4 has been owned and operated by my family since 1962. Part of
5 being a car dealer, I spent many years in commercial land
6 development in Rockville, Gaithersburg, and Montgomery
7 County. In addition, for most of my life, I've either lived
8 or worked in Rockville. I applaud the Planning Commission,
9 Mayor and Council, and Staff for undertaking the monumental
10 task of updating Rockville Pike Master Plan. Since this
11 Master Plan impacts a large portion of the city's tax base,
12 provides many of the services for residents, and is centered
13 on one of the primary thoroughfares in the area, success or
14 failure in this plan could impact the city's fortune for
15 decades to come.

16 I support the draft plan and the Form Based Code
17 conceptually, however, there are many areas that require
18 further study and refinement. One of my primary concerns
19 involves the allowable uses. It is my understanding that a
20 Form Based Code is, focuses on form rather than use.
21 Therefore, I was surprised to see that the consultants
22 specifically excluded car dealerships as allowable use. We
23 ask that this oversight be corrected and auto dealerships and
24 our associated uses be added back into Section 1.11. The
25 auto dealerships along the Pike provide convenient service

1 locations, are a key component of the city's tax base, and
2 serve as major employers in the area. Certainly auto
3 dealerships have special developmental requirements and the
4 code will need to be adjusted to recognize this but with
5 proper planning and thought, a dealership can coexist with
6 the concepts envisioned in the draft plans.

7 Density and the appropriate incentives necessary to
8 encourage redevelopment shall also be studied thoroughly.
9 Over the next several decades, density will come to this
10 corridor. This density goes north and south of the city as
11 it has in the past. Rockville will have all the traffic of
12 that density with none of the financial benefits. Rockville
13 should take the opportunity of this Master Plan to attract
14 development with the offer of significant density adjacent to
15 the future transit oriented Rockville Pike. This density
16 will act as an incentive for redevelopment and as this occurs
17 over the years, the vision outlined in the Master Plan can
18 actually become a reality. If you are worried about this
19 turning into Manhattan, don't be. Please get advice from
20 experienced land planners and architects concerning
21 proportion and scale. I'm sure you will find that the
22 proposed width of Rockville Pike will comfortably support
23 buildings higher than seven stories such as suggested on our
24 site while still remaining a very pleasing proportion.

25 Three minutes is not nearly enough time to address

1 all of my comments. I have submitted a letter to the record
2 and we are currently working with an architect to address
3 specific design and density recommendations. I urge the
4 Planning Commission in the upcoming work sessions to tap into
5 the expertise of the land owners and the business owners. We
6 are happy to be active participants in the effort to refine
7 the draft plan. The bottom line is, is that while the vision
8 outlined in the Master Plan is great, it's only going to be
9 pretty pictures unless it's based on sound business
10 principals. Thank you very much.

11 CHAIRMAN: Thank you very much. Questions of the -
12 - okay. Our next presenter is Bill Kominers.

13 MR. KOMINERS: Would you like these to you directly
14 or to your Staff?

15 CHAIRMAN: Thank you, Bill.

16 MR. KOMINERS: Good evening, Mr. Chairman, Members
17 of the Commission. My name is Bill Kominers. I'm an
18 attorney with Holland & Knight. I'm representing the
19 property located at 5946 Halpine Road shown on the maps that
20 are attached to my testimony. The property is located
21 immediately adjacent to, but not within, that is it's rather
22 outside, the boundaries of the Rockville Pike Master Plan.
23 We request that the boundaries of the Pike Plan be expanded
24 to include this property and that it be re-planned for a
25 multi-unit residential and re-zoned to the MXT zone.

1 The property contains approximately 22,000 square
2 feet, only a short walk from the Twinbrook Metro Station.
3 It's adjacent to the four and six story plan buildings and
4 their five to seven story garages of the Twinbrook Station
5 development to the west and to the south. Southwest, that
6 same development proposes a 12 story building site. To the
7 immediate east of the property, are townhome developments
8 known as Cambridge Walk I and II in the RMD10 zone. To the
9 north and west are single family homes and industrial
10 properties. The property is currently zoned R60.

11 Considering those surrounding uses, the R60 zoning
12 was an oversight or an error that should be corrected. To
13 correct that, the future development of the property, it
14 should be re-planned as a part of the Rockville Pike Plan
15 process. A multi-unit residential project will serve as a
16 transition stepping down building height in the immediate
17 area from the four to six stories of Twinbrook Station to the
18 existing townhomes on the east of the property. The future
19 building is visioned as a three story or three level, rather,
20 residential over a partially sunken parking direction,
21 parking area. Setbacks on the Cambridge Walk side will be
22 designed to hold the edge of the existing residential
23 building and preserve the existing separation distance.
24 Access will be from Halpine Road. The future building would
25 include green edges that would help soften the transition

1 from the higher density on the south and west to the lower
2 density to the east. Expanding the boundaries of the
3 Rockville Pike Plan in order to re-plan and re-zone the
4 property to MXT would further some of the important goals of
5 the Master Plan and would remove an anomalies peninsula of
6 R60 land that projects in between the plan development of
7 Twinbrook Station and the RMD10 of Cambridge Walk.
8 Redevelopment would encourage walkability. It's within 500
9 feet of the Twinbrook Metro Station. Further beyond the
10 tracks are nearby commercial areas including those that will
11 arise in response to this new Master Plan. The proximity to
12 metro and the nearby commercial office uses negate much of
13 the need for automobile usage by residents for both business
14 and personal travel. Redevelopment under the MXT would
15 provide more appropriate uses and density in close proximity
16 to the metro station. Multi-unit residential on this
17 property will serve to activate the streets near the
18 Twinbrook Metro and put more eyes and feet on the streets
19 making the area more active, more vibrant, which along with
20 its improvements and lighting, would make the area safer and
21 more attractive.

22 For all these reasons, we urge the city to expand
23 the boundaries of the plan to include this property and to
24 recommend that property for multi-use residential and for
25 classification under the MXT zone, MXT zone. That re-zoning

1 could then be accomplished as part of the sectional map
2 amendment that will implement the re-zonings of the Master
3 Plan. Thank you very much.

4 CHAIRMAN: Thank you, Bill. Any questions of our -
5 - all right, thank you.

6 MR. KOMINERS: Thank you.

7 CHAIRMAN: Cindy Bar, another Holland & Knights
8 individual.

9 MS. BAR: Good evening, Members of the Planning
10 Commission. My name is Cindy Bar. I'm an attorney with
11 Holland & Knight. I'm here with Neil Marcus of Spectrum
12 Partners. Spectrum Partners has an interest in 718 Rockville
13 Pike, the former site of Century Ford, which is currently
14 improved by two unoccupied buildings. The site is
15 highlighted in yellow in the testimony that I've just
16 submitted.

17 Spectrum Partners understands that the purpose of
18 this plan is to map out a vision for Rockville Pike for many
19 years in the future and agrees that such long term planning
20 is appropriate. However, Spectrum Partners also believes
21 that this cannot be done without consideration of current
22 conditions or recognition that there may be interim phases of
23 development between now and when that vision can be realized.
24 Certainly the Pike now has a variety of shortcomings and is
25 not a cohesive, integrated area of the city. In spite of

1 this, businesses located on the Pike are generally
2 economically successful and the area serves an important
3 purpose for residents of the city and county.

4 Spectrum Partners is also very concerned with the
5 owners' designed standards included in the Form Based Code
6 which is part of the draft plan. While we agree that some
7 improvements might be made to the existing MXCD zone, we
8 think that the city should utilize the zones in the ordinance
9 adopted in 2009 for the Pike rather than rush to new zones,
10 new standards, and a new system of review and approval.
11 Spectrum Partners has an interest in the long term vision of
12 the Pike contained in the plan, however, in the near term, it
13 is not economically feasible for Spectrum Partners to
14 redevelop the site in this fashion. In the near term,
15 changes to the site improvements on the property will be
16 desired and the Pike plan must recognize and make provision
17 for such interim development. The renovation and reuse of
18 existing buildings on the Pike could also immediately improve
19 its appearance in some areas. The city should encourage and
20 facilitate a reasonable revenue stream for properties on the
21 Pike, particularly, in the middle and north Pike areas
22 because redevelopment to the ultimate state envisioned in the
23 Plan is likely many years away for these areas. It is likely
24 that the sites nearest the metro stops on the Pike will be
25 the first to redevelop as envisioned in the plan and the

1 middle and north Pike areas will likely be the last areas to
2 be redeveloped to their full potential. If modern interim
3 redevelop is not allowed, the Pike could become a wasteland
4 of abandoned businesses not allowed to evolve to maintain
5 their viability.

6 Until the economics justify the long term vision
7 and until the infrastructure cause of the plan are addressed
8 realistically, the city must allow incremental redevelopment
9 in order for businesses to survive and maintain the city tax
10 base. In addition, much of what is suggested in the draft
11 plan will require land assemblages where there are multiple
12 landowners, businesses, and tenants with divergent interests
13 and this will not occur quickly.

14 Finally, in order for the plan and its vision to be
15 realized, the city will also need to solve the transportation
16 APFO limitations. This is an essential element in order for
17 the city to continue to have economic growth. We know that
18 the city is currently reviewing the APFO ordinance and we
19 hope that this will result in changes that make it possible
20 for future projects to move forward in the city. We agree
21 with the recommendations in the draft plan which call for
22 revisions to the APFO standards that focus less on specific
23 intersections and more on the entire transportation corridor,
24 in that order, as necessary and appropriate to allow the
25 development envisioned in the plan. Thank you for your

1 consideration of our views.

2 CHAIRMAN: Thank you very much. Questions?

3 MR. TRAHAN: I do.

4 CHAIRMAN: Dion, concise.

5 MR. TRAHAN: Very good. So I see here as a side
6 note, Spectrum wants the record to reflect they were not
7 consulted or did it give any input regarding ideas depicted
8 for Model Site 3?

9 MS. BAR: Yes.

10 MR. TRAHAN: So it seems like you and the citizens
11 finally have something in common?

12 MS. BAR: Yup, nobody told any of us anything.

13 MR. TRAHAN: All right, and one other thing I want
14 to flush out. You say, why we agree that some improvements
15 might be made to the existing MXCD zone, can you give me two?

16 MS. BAR: Well, we thought that the height -- the
17 RP zone which was the zone that previously all the Pike
18 properties were in, allowed height up to 110 feet and the
19 MXCD zone reduced it to 75 feet, so one of our
20 recommendations was to allow, under special circumstances
21 with review and approval from the Planning Commission and
22 ultimately the Mayor and Council, heights to go up higher
23 than 75 feet.

24 We also have some concerns about some of the
25 parking constraints in the MXCD zone. Some of our concerns

1 were addressed during the adoption of that zone and we also
2 asked for more flexibility in the design standards but those
3 design standards are more flexible and, in many ways, less
4 onerous than the new designed standards that, as we see them,
5 in the Form Based Code.

6 MR. TRAHAN: Okay, thank you.

7 MS. BAR: You're welcome.

8 CHAIRMAN: Okay, thank you. (Indiscernible.)

9 MR. HILL: I'm confused in taking the statement you
10 said about the zoning height. You seem to be suggesting that
11 any incremental, sort of small scale implementation was
12 preferable and yet what you're saying is the preferred zoning
13 height should be the maximum that anyone considered for the
14 site. Can you logically --

15 MS. BAR: Well, I --

16 MR. HILL: -- relate those?

17 MS. BAR: There, there's an end state that's
18 contemplated in the plan which obviously will transform the
19 entire Pike into a very different place if it's realized and
20 it contemplates heights of up to, well, around the metro, I
21 guess they're above 100. Along most of the areas of the Pike
22 corridor, they can go up to 95 under certain circumstances,
23 but that's the end state. What, what we were saying is
24 they'll be incremental development and that is not
25 necessarily going to be to those levels but that should be

1 allowed also to keep the Pike vibrant and because in some
2 circumstances, the end state is just not feasible
3 economically.

4 MR. HILL: Okay, thank you.

5 CHAIRMAN: Okay, thank you very much. Pat Harris,
6 Holland & Knight.

7 MS. HARRIS: The last of the three from Holland &
8 Knight, I promise.

9 CHAIRMAN: For now.

10 MS. HARRIS: Exactly. Good evening, Pat Harris
11 with the law firm of Holland & Knight. My comments this
12 evening are intended as an overview of our concerns and
13 observations regarding the proposed Pike plan and Form Based
14 Code. I will be submitting for the record written testimony
15 which sets forth in detail concerns with respect to specific
16 provisions of the plan and the code.

17 In general, I'm encouraged by the Rockville Pike
18 Plan. To some extent, it picks up on many of the
19 recommendations of the 1989 Rockville Pike Corridor Plan and
20 advances these recommendations to the 21st century. The plan
21 recognizes the importance of the Rockville Pike corridor as a
22 retail corridor and also promotes the concept of
23 concentrating mixed use development at metro stations.
24 However, we do have the issue with the plan and codes height
25 recommendations for those areas in close proximity with the

1 metro station. Areas within a quarter mile of a metro
2 station need to be a number, a priority number one growth
3 area and are the precise areas where Rockville's inevitable
4 growth should occur. The height recommendations severely
5 undercut the objectives of concentrating development at metro
6 stations. Along Rockville Pike, the height recommendation
7 represents a 40 percent decrease over the current MXTD zone.
8 Rockville Pike is proposed for a 200 foot right-of-way and as
9 a city's consultant himself said, a general tenant of urban
10 design is allowing building heights comparable to the width
11 of a right-of-way.

12 I want to focus my remaining testimony on the Form
13 Based Code. As one of the handful of rulers or groupies here
14 tonight who attended and participated in two years worth of
15 meetings, the Chair was one of the other ones, I was more
16 than a little surprised when the city proposed, less than two
17 years after the adoption of the current code, pursuant to
18 RORZOR, yet another code for Rockville Pike. My first
19 question was why? What is wrong with the well thought out
20 MXTD and MXCD zones except for the fact that because of the
21 economy, there's been very little use of those zones to date.
22 The Form Based Code is much too specific in terms of the
23 permitted architecture. It essentially dictates building
24 design and leaves very little, if any, room for flexibility.
25 Property owners should be afforded the latitude to design

1 buildings within reasonable code restrictions in accordance
2 with individual design. In addition, projects that are
3 greater than 40,000 square feet are still subject to site
4 plan review process. One of the basic premises of a Form
5 Based Code is a streamlining of a process and this does not
6 exist. Before going much further, I would urge the city to
7 closely examine what, if any, benefits the proposed Form
8 Based Code provides over the existing code. I would submit
9 that the existing MXCD zone and MXTD zones in concert with
10 the proposed Pike Plan are the tools necessary for the city
11 to achieve its vision.

12 Finally, a word about the APFO. If the city is not
13 opened to modifying the APFO to reflect Rockville's evolution
14 away from a strictly suburban environment, there is no reason
15 to continue considering the Pike plan. The reality is
16 employment and residential growth are going to occur. The
17 city can elect either to bog future growth and thus be
18 adversely affected by the growth occurring around the city
19 and the stagnation within it or elect to play an active role
20 in determining how and where this growth is to occur. Thank
21 you.

22 CHAIRMAN: Thank you, Pat. Questions of anyone?

23 MR. HILL: No. Oh, I do have a question.

24 CHAIRMAN: All right.

25 MR. HILL: There's been a lot of citation that we

1 really need density around metro but I'm concerned about how
2 metro is handling its capacity. I don't know if you have any
3 observation how the city can actuate that, provide for it.
4 Is it a real problem in your point of view?

5 MS. HARRIS: I think one difference is the mind
6 set, to some extent, of metro riders, I mean, I think some
7 would say, if I can't get a seat on metro then there's an
8 issue and metros not functioning and providing the necessary
9 capacity. It's a very different attitude than most urban
10 areas with, with underground transit where getting a seat is
11 a privilege, not, not an expectation. So, I think that's one
12 thing. There -- and I think there is the ability -- well,
13 couple things. One is there is the ability to add some
14 capacity, I believe, and second, I think the concept of
15 creating these areas as live, work, play environments means
16 that it's not necessarily going to be the case that someone
17 living near Rockville Twinbrook Station is going to take the
18 metro and go downtown instead. They may take a walk three
19 blocks north to an office building that, that's at the metro
20 station and work, and walk to work. So, once the greater the
21 amount of use is and different uses, the greater the
22 synergies that then increase the modal split.

23 MR. HILL: Thank you for elaborating.

24 MR. HADLEY: I have a question, Mr. Chairman.

25 CHAIRMAN: Yes, Don.

1 MR. HADLEY: The concept of stagnation is a
2 relative concept if there isn't development. Where do we
3 look for precedent for that or for objective validation of
4 that?

5 MS. HARRIS: Detroit.

6 MR. HADLEY: How is that measured?

7 CHAIRMAN: Detroit.

8 MR. HADLEY: Yeah, well, we don't have a car
9 industry, right, so we're not talking about losing a whole
10 industry. I mean, I hear that but how do we look to find,
11 you know, objective verification of that and boundaries of
12 that and, you know, that's kind of a bug-a-boo this coming
13 here.

14 MS. HARRIS: Uh-huh.

15 MR. HADLEY: Well, what is it? Nobody's talking
16 about that.

17 MS. HARRIS: I think -- well, a couple things. One
18 is I think if -- there is a reality or a given that there's
19 going to be employment and residential growth and so the
20 question is, how is it going to be accommodated?

21 MR. HADLEY: You're saying demand for that?

22 MS. HARRIS: Yes.

23 MR. HADLEY: Okay.

24 MS. HARRIS: And because I don't think it's just a
25 situation that if you build it, they will come. It's just

1 that the people, either the residents or the employees, are
2 there and need additional accommodations. But, I look at
3 other areas with -- I mean, the development evolves over
4 time. Look at aging shopping centers. What was the heyday
5 of shopping centers in the 1960's with strip development,
6 with parking, suburban parking out front, is losing favor. I
7 mean, if you looked at places like Friendship Heights, for
8 instance, where it's a much more urbanized area, I think
9 there's a number of -- they have a great draw of people
10 desiring to go there as opposed to drive to a suburban
11 location, park their car in an imperious parking lot, and go
12 to a strip shopping center or a mall, frankly. I think
13 there's, you know, it's a reflective of a natural development
14 over time, and I think, I mean, when you say where can we
15 look, I am sure, though I can't cite them off hand but I'd be
16 glad to go back and take a look, places like Urban Land
17 Institute probably have done research and have data and
18 statistics that reflect that and validate that point.

19 MR. HADLEY: Now, the concept I think that's being
20 raised sort of in competition with the Rockville Pike Plan,
21 and not really specific to it necessarily, but as an overall
22 concept for Rockville or for parts of Rockville, is sort of
23 analogous to the Native American, either actuality or myth,
24 of mankind living in harmony with nature, and input and
25 output always equal the same and therefore, you have this

1 harmonious environment that continues forever. So, for the
2 people who envision a neighborhood and neighborhood shops and
3 stores, their question is, that's what we like, why can't
4 that last?

5 MS. HARRIS: I'm, I think I'm not clear on your
6 question.

7 MR. HADLEY: Yes. Is it possible to have a stable,
8 no growth environment?

9 MS. HARRIS: I think I go back and, again, I'll
10 provide you with documentation on it. I think, I think it
11 stagnates and it loses vibrancy and attractiveness --

12 MR. HADLEY: Okay, retail.

13 MS. HARRIS: -- retail or any, any structure or
14 facility because, I mean, any given building, physical
15 building, has an age and a lifetime.

16 MR. HADLEY: Right.

17 MS. HARRIS: And if it's not allowed over time to
18 rejuvenate --

19 MR. HADLEY: But that doesn't mean change character
20 necessarily.

21 MS. HARRIS: It think the existing character is
22 losing favor. I think it's losing attractiveness and -- I
23 think people are less attracted or inclined to frequent or go
24 to those places.

25 MR. HADLEY: Okay.

1 MS. HARRIS: Because it's not as desirable of --
2 they have other options and so to -- and it's not a
3 pleasurable, enjoyable experience and so they'd rather go
4 some place where they can, where they can walk to the corner
5 store and get a cup of coffee, then walk down the street and
6 go to the library, and then go to their office or whatever
7 that may be. I mean, the White Flint people, and I'm not
8 suggesting that the Rockville portion of Rockville Pike
9 should look the way White Flint did, but the people that
10 live, a vast majority of the people that lived in the
11 vicinity of the White Flint area said that's what they were
12 looking for. They, they don't want those tired shopping
13 centers any longer.

14 CHAIRMAN: This is certainly a topic we'll be
15 getting into our work session. I appreciate your testimony
16 and your written material. You may want to tweak it a little
17 considering.

18 MS. HARRIS: I will and I'll conduct additional
19 research.

20 CHAIRMAN: Just a second, Dion had a question too.

21 MR. TRAHAN: Thanks, Chair. I don't want to put
22 words in your mouth. I want to make sure this is right. You
23 said that a tenant of over design is that buildings height is
24 equal to the width of the right-of-way or am I getting it
25 wrong?

1 MS. HARRIS: It's a basic premise and your
2 consultant said it at least twice and I starred my notes when
3 he said it twice because when he said it, he was talking
4 about Chapman Avenue where he made some comment about Chapman
5 Avenue and what struck me was, well, wait a minute, go around
6 the corner to Rockville Pike and you're not paying, you're
7 not following your own rule.

8 MR. TRAHAN: I can't remember exactly. You said
9 something in your argument that I just want to touch on. You
10 were talking about the height of the buildings and the right-
11 of-ways. So my question to you is this, how did your
12 argument reconcile with the Master Plan safeguards to protect
13 the character of a neighborhood from being molested or
14 altered? Molest is a strong word but --

15 MS. HARRIS: The, the proposed width of Rockville
16 Pike, and that includes the medians and the arterials and the
17 bike lanes and bus lanes, is 200 feet, and I'm not, I'm not
18 suggesting 200 foot heights but I am suggesting that 85, that
19 it should be greater than 85 feet.

20 First of all, there's no single family residential
21 anywhere around the corridor of Rockville Pike. Two, in
22 terms of creating a pedestrian experience, what the
23 pedestrian experience is really from the ground to maybe 45
24 feet in height up. That's what they feel -- there's design,
25 there's design methods, whether it's a slight setback or lay

1 back or different building, building materials, to create a
2 comfortable design and, and environment for the pedestrian so
3 it doesn't feel like a walled, like they're walking down a
4 walled corridor. But, again, because it's 200 feet wide, I
5 don't think you would have that feeling even if you let it go
6 to, say, 120 feet right at the property line.

7 MR. TRAHAN: Okay, thank you.

8 CHAIRMAN: Okay. Thank you very much. Marc
9 Kapastin. Marc Kapastin, I'm sorry, from Quantum --

10 MR. KAPASTIN: Kapastin is quite fine. Thank you.

11 CHAIRMAN: Kapastin, fine, thank you.

12 MR. KAPASTIN: Well, I'm Cap Kapastin, Quantum
13 Companies. Good evening. I'm here on behalf of Shellhorn
14 Rockville, LLC as the owner of the site located at 1488
15 Rockville Pike currently improved with a shopping center
16 called Chesapeake Plaza. Our property is identified on the
17 map attached to my written testimony. We've been property
18 owners on Rockville for many years. We have not only a
19 business interest in the property but also an interest in the
20 success of the City of Rockville as a whole.

21 While we support many aspects of the draft
22 Rockville Pike Plan, we also feel some of the recommendations
23 may be problematic. Now hearing, I'm going to deviate for a
24 moment and say, hearing the questions that were posed to
25 those who preceded me, I feel like I'm here way over my pay

1 grade so I just ask that you be kind to me.

2 CHAIRMAN: We'll have a special set of questions
3 for you.

4 MR. KAPASTIN: So we applaud the efforts of the
5 staff and officials to develop the vision and plan to
6 redevelopment of the Pike. We think it's ambitious but the
7 division of Rockville Pike as a wide urban boulevard,
8 certainly a laudable goal, will be difficult to transform the
9 Pike no matter how desirable the vision without the proper
10 tools and incentives. So our main concerns are insufficient
11 density, height limitations, which were mentioned to, to you
12 earlier, a floor area ratio, the cost of improvements, the
13 Form Code, and, and the process.

14 So we don't think that the plan as drafted proposes
15 sufficient additional density to encourage the redevelopment
16 of developed operating properties. With respect to height
17 limitations, under the RPC, under which we purchased and many
18 owners purchased their properties, there was a height
19 limitation of 110 feet. For those existing MX zones already
20 result in a dramatic loss of density. It seems to be, I'm
21 not certain it is, but it seems to be exacerbated by the new
22 plan. The floor area ratio with the Form Code, rather than
23 an FAR based system, there's no density which would seem to
24 offset the loss of land area. Without an FAR standard, which
25 we're accustomed to in our business, you know, I'm an older

1 guy here, and FAR is what I'm accustomed to so without
2 another way to retain density from dedicated land, we're
3 concerned about our loss of density and a loss of value. The
4 major cost of making the proposed improvements to the Pike
5 don't seem to be factored into the proposed plan. So we
6 think that a true feasibility analysis is needed which would
7 be undertaken in concert with all stakeholders, like
8 ourselves, in order to determine whether the proposed vision
9 is realistic and achievable.

10 The Form Code. An overriding negative aspect seems
11 to be the Form Based Code. The current code has never been
12 tested. There's been little development activities since its
13 adoption and, like the previous speaker, not so sure why it
14 needs to be changed. The process, we're concerned that in
15 the end, we may have an exercise in urban design and
16 administrator process but not a realistic obtainable vision
17 for the Pike and the city. Thank you.

18 CHAIRMAN: Okay, thank you. Any clarifying
19 questions of my colleagues?

20 MR. TRAHAN: No, but I have some nice gentle
21 questions --

22 CHAIRMAN: All right.

23 MR. TRAHAN: -- for Mr. Kapastin.

24 MR. KAPASTIN: Shoot.

25 CHAIRMAN: Short and concise, sir.

1 MR. TRAHAN: Okay, sir, you said there's not enough
2 density to encourage redevelopment, correct?

3 MR. KAPASTIN: Correct.

4 MR. TRAHAN: Is that taking consideration the
5 amount of traffic flow that's predicted to come from Science
6 City in the north and the White Flint plan in the south? So
7 my question is, why can't you have your vision of having more
8 attraction with the traffic flow as opposed to having density
9 right there where your business is?

10 MR. KAPASTIN: Well, I would answer you in this
11 respect, and I saw to touch upon it certainly in my written
12 testimony, and that is, there really is no incentive to make
13 any change to what I have right now which is a very viable
14 shopping center. I'm very happy with the cash flow. I'm
15 happy with the, with the amount that I paid for it, although
16 I think I paid high, but I'm very happy with it. We're happy
17 with the return. We have some good tenants including Mi
18 Rancho and we're talking to others about some space we have
19 on the second floor, but there's no incentive in this plan
20 unless we get more density to, to scrape what we have, to
21 give up the cash flow that we have and take the risk of
22 attracting new tenants, spending money on development. What
23 -- we have lease rates now which are embedded in our leases.
24 We're quite comfortable with those. So taking the risk of
25 what the lease rate may be to try to recover my development

1 costs without sufficient density is a frightening
2 proposition.

3 MR. TRAHAN: Okay, thank you.

4 MR. HILL: Just a quick follow up, is density the
5 only incentive that will motivate you?

6 MR. KAPASTIN: Well, no, obviously, there are
7 fundamental financing incentives. You touch upon some in the
8 plan and I think they're discussing them in, in White Flint.
9 But, density seems to be an easy one if you can accommodate
10 yourself to it as a Planning Commission and as a city. What
11 others there may be? I don't want to revisit some of the,
12 you know, the recent text amendments regarding public, public
13 area and, and public space and that sort of thing, but
14 density is very important and very basic.

15 CHAIRMAN: Okay. Thank you very much.

16 MR. KAPASTIN: Thank you.

17 CHAIRMAN: Tony Greenberg, JBG

18 MR. GREENBERG: Thanks very much. Tony Greenberg
19 from the JBG Companies, here representing a variety of, a
20 number of affiliates that own property in Rockville. We're a
21 long term property owner of several properties here in
22 Rockville, many of which are in the southern end of the
23 Rockville Pike Plan around the Twinbrook Metro Station.
24 Twinbrook Station is one, 1750 Rockville Pike, which is the
25 Hilton Hotel, is another, and Twinbrook Square, which is 1800

1 Rockville Pike, the Ethan Allen, Bassett site as well. All,
2 I think, considered by previous zoning revisions to be -- in
3 the Pike plan in particular, to be catalyst sites around the
4 metro. We are deeply interested in what happens here and the
5 recommendations of the Pike plan because of these significant
6 holdings at the southern end of the site.

7 Generally, we're encouraged by the overall
8 recommendations of the Pike plan and have been involved since
9 the very beginning. We were at the first meetings at Richard
10 Montgomery and the Legacy Hotel several years ago when this
11 Pike plan started and we recognize that the Pike plan offers
12 some great things with regard to the economic, preserving the
13 economic value of Rockville Pike and enhancing its value as a
14 retail corridor. We also acknowledge that the Pike plan
15 concentrates metro, density at metro, exactly the places we
16 think that the future residential and employment growth of
17 the city, which is inevitable, should be accommodated and we
18 are encouraged by the plans vision that over time, these
19 areas will become live work, play areas which will result in
20 a decreasing dependency in the automobile and an ultimate
21 reduction in vehicle miles traveled and carbon.

22 JBG's primary concern with the plan is the
23 recommendation for Rockville Pike which would preclude bus
24 rapid transit and reduce parking and retail visibility. So
25 the street section itself, as designed, we have some

1 objections to and we'll submit further comment on that.
2 We've been very involved in the White Flint sector plan which
3 addressed each of these issues by accommodating BRT in the
4 median of the Pike, and BRT represents a transportation
5 advancement. We believe in this corridor and the Pike plan,
6 if nothing else, should make sure that the BRT can be
7 accommodated properly.

8 The Pike plan also rightly recognizes that in order
9 to achieve the future vision of Rockville, the city must
10 revisit its APFO as it relates to schools and traffic. While
11 you've heard others suggest that the APFO should not be
12 revised, the reality is that increases in both employment and
13 residential populations will occur if the city elects not to
14 address the APFO and effectively place the city in a
15 moratorium. We believe that all that will be accomplished,
16 as mentioned by previous speakers, is that the city will be
17 assured to experience all the negative effects of growth
18 which will happen outside the city limits but not any of the
19 positives. Revision of the APFO in concert with the Pike
20 plan provides an opportunity to encourage growth where it's
21 most desirable, the metro station areas.

22 In terms of the Form Based Code, we participated
23 very, we were very involved in the RORZOR process and so we
24 were very surprised to see that there is a proposal for a new
25 Form Based Code as part of the Pike plan and -- I'm going to

1 skip through most of my comments because I think we've
2 actually heard most of them about the MXTD zone. But, we are
3 actually are quite happy with the MXTD zone. We worked very
4 hard with the city for a couple of years to craft that which
5 is, in essence, a Form Based Code, and so we were very
6 surprised to see a new code imposed and we'll have specific
7 comments about that.

8 In closing, we would, we really haven't seen or
9 heard any justification for the new Form Based Code. We
10 think that the new codes which are the MXTD and MXCD should
11 be given a chance to work as they were intended and we, we
12 hope that that is considered as the Pike plan goes forward.
13 Thank you.

14 CHAIRMAN: Okay, thank you, Tony. Clarifying
15 questions?

16 MR. TRAHAN: I do.

17 CHAIRMAN: You do? Okay.

18 MR. TRAHAN: The Form Based Code, there's a section
19 in there that deals or discusses a city architecture or
20 architect. In your experience with the other Form Based Code
21 that you mentioned, is there a similar provision where a
22 municipality has a city czar or a city architect as opposed
23 to having come through a planning process?

24 MR. GREENBERG: I am not familiar with a city --
25 well, I have not, in personal experience, dealt with a city

1 architect of such. We have, at such, we have certainly dealt
2 with commissions, Fine Arts Commissions and such in D.C. and
3 Urban Design Commissions in Baltimore, but one person in that
4 office, no. But, if, if, if properly, you know,
5 administered, I don't see that that's a necessarily a
6 negative. I think that flexibility with regard to design is
7 properly the most, the most desirable outcome to a Form Based
8 Code. Form Based Code should set the forms of the buildings,
9 the box in which design can occur, but I think we should
10 leave it to, you know, qualified architects and planners to
11 push design in the right direction, taste change and
12 technologies change and construction materials change and
13 creativity, I think, is, you know, should be encouraged, not
14 discouraged.

15 MR. TRAHAN: Okay, thanks.

16 CHAIRMAN: Tony, I have one question clarifying on
17 your comment about the APFO. JBG feel that the APFO in its
18 current format or something close to that needs to stay in
19 place or do you want to see certain changes to it?

20 MR. GREENBERG: I think we want to see certain
21 changes to the APFO. In particular, right now, it's too
22 restrictive and --

23 CHAIRMAN: I just want to make sure that I got it
24 right here so --

25 MR. GREENBERG: Yes. No, we, we think the APFO

1 needs to be addressed to accommodate the growth that this
2 city, I think, should embrace and, and seek to participate in
3 and, and to the extent necessary, control rather than just
4 pushing it outside the city's boundaries. And, that's what's
5 going to happen, I think, and I can just speak from a
6 property owner with properties in neighboring jurisdictions,
7 if traffic and school capacity aren't dealt with and the
8 city's, in essence, in a moratorium again, which is what we
9 were in, experienced for quite some time here while we were
10 drafting the last code.

11 CHAIRMAN: Yes, I think all of us agree that the
12 APFO ramifications are critical to what we do with this plan
13 and other things in the city. We've got a task force that's
14 working on some stuff and will come to us. So, you'll hear
15 from us at another time.

16 MR. GREENBERG: Yeah, and we've been following
17 closely and I don't have a solution either. I mean, it's a
18 very difficult question that requires a lot more study.

19 CHAIRMAN: Right.

20 MR. GREENBERG: But it needs to be resolved.

21 CHAIRMAN: Okay, thank you, Tony.

22 MR. HILL: Mr. Tyner?

23 CHAIRMAN: Yes.

24 MR. HILL: I also have a question. You mentioned
25 concern about retail visibility?

1 MR. GREENBERG: Uh-huh.

2 MR. HILL: Can you be more specific about what your
3 (indiscernible) setback --

4 MR. GREENBERG: Yeah, absolutely.

5 MR. HILL: -- from the thoroughfare road in terms
6 of being able to see things.

7 MR. GREENBERG: It's a couple things actually. So
8 the, the one thing the Pike has going for it right now, and
9 not the one thing, but one of the great attributes of the
10 Pike is its retail viability and its recognition as a
11 national retail corridor, a successful retail corridor. Some
12 of that, I think to Pat Harris' comments, could change as it
13 did for Route 1, in many jurisdictions, as properties became
14 less valuable and the tenants moved out and were backfilled
15 by lower paying rents and that, that decline does happen, and
16 has. But, but I think that the retail viability is critical
17 to the long term success of the Pike. What that's about is
18 visibility from the 60,000 plus or minus cars a day that
19 drive up and down the Pike and easy access to parking in the
20 front of the building and even if it's limited, just sort of
21 what we call teaser parking, something that lets people know
22 that they have a chance to park there, even if they pass it
23 once and end up parking in a garage. So, the current Pike
24 plan, the current street section, has the buses up against
25 the retail fronts and the sidewalks, has the parallel parking

1 on the opposite side of the slip lane, and has actually two
2 planted tree line medians between the center arterial sort of
3 drive and the front of the retail.

4 All three of those issues create an impediment to
5 the visibility and the ease of access to the retail fronts,
6 the retail store fronts, that, along the Pike. And so, three
7 immediate recommendations that come to mind would be to limit
8 the tree planting to one of those two areas, probably the one
9 closest to the sidewalk for shading purposes but from the
10 street, you'd still be able to see all the way to that, to
11 that tree line street from the arterial road. The other
12 would be to move the parking to the retail side of the slip
13 lane if it's not accommodated on both, although we would
14 argue it should be accommodated on both sides. And to, to
15 move the buses, in essence, out to either the outside, to the
16 median, to the outside curb side of the arterial section, or
17 to the inside of the slip lane, the outside lane of the slip
18 lane. Anywhere but where it is basically.

19 MR. HILL: All right, on that, you seem to place an
20 importance on bus rapid transit service here, but if our goal
21 is live, work, play next to a metro station, metro being the
22 primary transit provider, what is the importance of bus rapid
23 transit service through this corridor?

24 MR. GREENBERG: It's an excellent question and
25 obviously we focus on transit. I mean, most of our holdings

1 throughout the DC metro area are clustered on metro and
2 that's why you'll see our holdings in Rockville are in fact
3 the 26 acres of the commuter parking lots at the metro
4 station and basically larger sites right next to them. That
5 said, other metro corridors have close, stations that are
6 closer together and the connectivity between the stations,
7 once you come out of the metro, you can walk between the
8 stations. The separations here are quite far between White
9 Flint and Twinbrook and Rockville. Whereas, Roslin Boston,
10 for example, which has become a particularly vibrant corridor
11 and there the metro spacing is closer together and the walk,
12 the walkability is greater.

13 So the, the real purpose of the bus rapid transit,
14 in my mind, is, is sort of the circulator function. It's the
15 street car function. It's the short trip between stations.
16 It accommodates people who might come to White Flint but want
17 to do some shopping or recreating or, or, you know, further
18 up the Pike but don't want to jump back in the metro or go up
19 one more stop, come out, walk back half way down. So it
20 really is that interconnectivity between the metro stations
21 that I think is, is critical, and then, of course, off the
22 corridor as well.

23 MR. HILL: Aren't you describing local bus service
24 though, not rapid transit bus service when, say, movement
25 between stations? I think of rapid transit as being fairly

1 large distances and you're trying to move quickly with few
2 stops.

3 MR. GREENBERG: These are, there's sort of, there's
4 an in between distance we're talking about here. I mean, the
5 distance between the stations on the Pike, the metro
6 stations, and none of them are right on the Pike, obviously
7 either, are over a mile in, in, in most cases and the bus
8 stop that go, you know, the bus, typical bus service,
9 neighborhood bus service, stops much more frequently than
10 that and there is a happy medium that is sort of that
11 intermediate trip.

12 MR. HILL: Thank you.

13 MR. TRAHAN: I have a quick question.

14 CHAIRMAN: Yes?

15 MR. TRAHAN: So, Mr. Greenberg, if we're being
16 honest with one another. I can see someone sitting at home
17 listening to your comments and saying, that sounds mighty
18 awful greedy when you start talking about the conversation
19 moving from creating a pedestrian, citizen shopper experience
20 to all of a sudden you're moving the trees out of the plans,
21 you're moving the buses out of the way, just to get more
22 visibility for the store front buildings. So, in my mind,
23 the question is, well, why are you sacrificing my experience
24 to make your properties more marketable? I mean and I
25 understand you're representing specific interests and there's

1 no criticism for that but my question is, don't you think
2 that what you're proposed is moving a little bit to the right
3 or the left of what the plan is putting forward?

4 MR. GREENBERG: Not at all. I hear what you're
5 saying but I disagree with the distinction you're drawing
6 between what I, you know, the, the divide you're suggesting
7 exist between what I'm suggesting, what I'm proposing and
8 what I think the citizens of Rockville probably have in mind.

9 MR. TRAHAN: And can you clarify a little bit?

10 MR. GREENBERG: I think the components of the Pike
11 plan are good. I think we should have bus lanes. I think we
12 should have lots of tree line streets and that we should have
13 sidewalks of appropriate width and, and as a developer
14 committed to sort of new urbanism in this, in this city, I
15 think that our, our record would, would stand up to that.

16 It's, it's -- and, and I'm happy to sort of go through
17 all the testimony we did through the mix use district and
18 everything else where in some cases, we're sacrificing
19 density for the benefit of, of, of the pedestrian experience
20 because we see this as, we see our interest aligned and
21 that's why I, I sort of take issue with the dichotomy you
22 were trying to suggest. If the citizens have a good place to
23 walk and, and shop and a desirable place to live, that will
24 enhance the value of the properties that we control here and
25 it'll attract high paying, credit worthy local and national

1 retailers to this market and that, in turn, will, you know,
2 reinforce the great positive things that people are looking
3 for here and that's what we've tried to do at Twinbrook
4 Station with our planning in the first phase, which is now
5 done, that's what we have in mind for the other properties
6 that we own in Rockville. And so, ours is not an objection
7 to what the Pike plan is proposing or to the vision, it's
8 merely, I would say, suggestions for how to do it better and
9 how to tweak what we think is -- and that's why I say, we've
10 been involved in the plan since day one and we've hired many
11 of the consultants that the city's hired for our own private
12 developments and so I'm not saying get rid of the buses. I'm
13 not saying get rid of the trees. I'm not saying get rid of,
14 you know, of -- fill the streets with surface parking lots,
15 but there's a good way to do it. There's, there's, there's a
16 better way to do it, I think, is what I'm suggesting.

17 MR. TRAHAN: So one of the concerns that has been
18 voiced is one of the charms that make our city charming is
19 the so called Mom and Pop's little restaurants, little
20 eateries, places that locals like to go frequent. One of the
21 concerns is that if you build, all the sudden, this massive
22 boulevard, these places that we enjoy so much as a community
23 will go out of business simply because they can't afford this
24 extravagant rent.

25 So, again, going back to the question of pedestrian

1 and local experience, I guess the argument could be, if you
2 take away these sort of small Mom and Pop eateries and
3 establishments that locals have grown up with and come to
4 love, how can you argue that you're not changing sort of the
5 characteristic of the city because what you may perceive as
6 better, citizens may perceive for the worst. So whenever you
7 say that your interests are aligned, I have to disagree a tad
8 bit because you have to understand that what the community
9 wants may not necessarily be the same interest that, you
10 know, you're expounding. Again, that's not a criticism, I'm
11 just trying to pick your brain here because you bring up some
12 good points. It's just I want to make sure that I don't put
13 words in your mouth and that you get your point across.

14 MR. GREENBERG: And I would argue that we, we,
15 again, I think our interests are aligned. We actively seek
16 out local businesses to, to keep our projects, to make sure
17 that our projects are keeping with the character of the city
18 and that's what we've done at Twinbrook Station in that first
19 phase. We're having a restaurant open up which is a local
20 restaurateur tomorrow. Again, a local, another local
21 business owner just opened up a nail salon there. It's
22 always a balance. We try to make sure that we achieve in our
23 projects a balance of national credit tenants to help with
24 the financing and everything else and, and -- which are, I
25 imagine, desirable for many in the city, but balance that

1 with, with small and local business owners and that, that's
2 something we've done throughout our portfolio and because
3 that creates a more authentic place and, and maintains the
4 long term viability, I think, of these projects. And, and,
5 and we're a long term investor in this market. We've been
6 here for many, many years working. Many of the projects are
7 in Montgomery County but just over, just over the property
8 line and we see ourselves with a vested interest in this
9 community.

10 MR. TRAHAN: Thank you.

11 CHAIRMAN: Okay. Thank you very much, Tony. Erika
12 Leatham. Greetings.

13 MS. LEATHAM: Good evening. For the record, my
14 name is Erika Leatham. I am an attorney with Ballard Spahr
15 but tonight I am testifying as an individual and I have some
16 very specific and detailed comments I will submit to the
17 Planning Commission in writing but tonight I just wanted to
18 talk about some general themes with the plan.

19 As some of you may know, I live in Rockville so
20 most of my life is spent trying to navigate how to get things
21 done without actually getting on Rockville Pike and getting
22 stuck in traffic. So, I get it and I get it from many
23 different perspectives. So there are a lot of things in this
24 plan that I want to talk about but tonight, I just want to
25 talk about two and they're very interrelated. It's traffic

1 and the geography and the physical nature of Rockville Pike
2 itself.

3 I don't need to tell you this, most of the time
4 traffic is okay except when it's not, it's horrendous, and
5 that's actually probably most of the time when it's that bad.
6 And, and when, when I thought about it, I thought, of course,
7 it is because I'm partially to blame. If I have errands on a
8 Saturday, I don't walk anywhere, I get in my car, I drive up
9 the Pike. I get back in my car, I drive down the Pike. I
10 get back in my car, I drive across the Pike, and then I
11 probably drive somewhere else to finish it all off. So I am
12 contributing to the traffic and I know I'm not the only one
13 that's doing this. So, excuse me, and it's certainly the
14 opposite of what I do when I'm at work. I work in Bethesda
15 and I do everything I can to avoid having to drive. I want
16 to walk and when I was listening to your conversation with
17 Tony, I thought, that's the reason why I walk in Bethesda.
18 In Bethesda, it's not about getting from A to B, although you
19 certainly, you want to do that, it's about the experience of
20 getting from A to B and it's safe, it's comfortable, it's
21 pleasant, there are a lot of people, and that's entirely
22 lacking from the Pike. So that's the purpose of the plan, to
23 change the character, to change the experience.

24 So the first thing the plan does is it redesigns
25 the cross section to emphasize, excuse me, emphasize

1 pedestrians as much as it does cars and when you start doing
2 that, you transform the area, you transform people's habits.
3 People get out and they walk around. They walk to lunch.
4 They walk to do their errands, and when people walk, that
5 simple act changes the character of the area. So the plan is
6 trying to figure out how to do that. Frankly, what are you
7 going to do to convince me to get out of my car on the
8 weekend and run some errands with my kids back and forth
9 along the Pike? That, that's a tough sell, I'll be honest
10 with you, but I do it in Bethesda, so I know it can be done,
11 and that's the point of the Form Based Code, and this goes to
12 the physical nature of the Pike.

13 I think I probably disagree with some of my
14 colleagues. I like the Form Based Code. I think there's a
15 simplicity and a consistency to it that's probably been
16 lacking here, but I really urge you to carefully and
17 thoughtfully consider some of the comments that you've
18 already received and you will receive about the form of that
19 Form Based Code. I am not sure that actually works for a
20 number of different properties and there's a number of
21 different reasons and, and you have to consider that
22 practically because if these forms don't work, there will be
23 no development and this plan just ends up being an empty
24 promise and that, that's not good for anybody here.

25 And I want to point out one missed opportunity in

1 the plan and that's to implement transit in a really
2 meaningful way, and you just had this conversation with Tony
3 about BRT, but it was in my testimony anyway. I mean, BRT is
4 not coming in two or three years. But BRT is going to be on
5 the Pike during the life of this plan and the failure to
6 include it in the cross section and to plan for it, I mean,
7 you want to get an idea of where the stops are going to be so
8 you can develop nodes of, of land use or patterns that you
9 want to see to encourage people to get off the BRT, walk
10 around, and, and do what they need to do. And I think,
11 again, I urge staff to carefully consider those comments and
12 to include that in the plan. And I just want to end by
13 saying that, I talk about the Pike a lot at, I mean, how, how
14 can you not? Avoiding the Pike is probably the city's -- or
15 the city's past time, right? So -- and we talked about this
16 at community meetings, at Brownie Troop meetings, at the PTA,
17 I mean, it comes up all the time, and lately I've been
18 telling people, you know, there's a new plan the city's
19 proposing which will dramatically change the character of the
20 Pike, and I say this with all honesty. When I say that,
21 people's eyes light up. To a person, they are excited. They
22 want to see something change and they realize there's going
23 to be traffic, it's going to be congested, that's the way
24 this arterial road works. But, if it's a safe place. If
25 it's a place with character. If it's a pleasant place to

1 walk. It, it's okay. I'll stop.

2 CHAIRMAN: Thank you.

3 MS. LEATHAM: Thank you.

4 CHAIRMAN: Clarifying questions of -- okay, thank
5 you very much, Erika.

6 MS. LEATHAM: Thank you.

7 CHAIRMAN: Jim Marrinan. Jim Marrinan himself.

8 MR. MARRINAN: Good evening, all and Commissioners,
9 Chairman, and thank you for this opportunity to present some
10 testimony. My name is Jim Marrinan. I live at 50 Creek
11 Court. As a former member of the Rockville City Council
12 during the 1990's, we spent a great deal of time discussing
13 Rockville Pike and a proposal at that time to develop a big
14 box Wal-Mart store at Congressional Plaza. I'm sure many of
15 you remember that. We ultimately rejected that proposal. My
16 reading of the proposed plan before us tonight, doesn't seem
17 to address this issue either way, and we rejected the
18 proposal because studies indicated that such a development
19 would attract a very high level of traffic and congestion.
20 And secondly, it would have an adverse impact on smaller
21 retail, including Mom and Pop stores, many of which are
22 Rockville based.

23 Another concern, the plan seems to focus on
24 north/south traffic and not enough on east/west traffic.
25 Since Rockville Pike essentially divides the city along with

1 the metro tracks, this sensitivity for east/west movements
2 should be more fully addressed in this proposal. You need to
3 get across the town. We need to go to Glenview Manor. Those
4 of us who live on the westside of the city, it's amazing how
5 many people don't go to Glenview. It, it's a tragedy. All
6 residential areas should be able to access all other
7 residential areas. My personal experience is at Wootton
8 Parkway, 1st Street, and Rockville Pike; the signage or the
9 signaling at that intersection seems unduly long north/south
10 and not east/west.

11 And finally, the plan mentions ensuring adequate
12 funding from county and state sources. My understanding of
13 available funding from those sources is not good, certainly
14 at this time. Current requests for the transit way and the
15 Purple Line plus the residual effects of funding for the ICC
16 make matters worse. Without a major increase in
17 transportation revenues at those levels and the federal
18 level, make it unlikely that they're going to participate in,
19 in this effort.

20 There is much to commend this plan and certainly
21 some updates are, are necessary, and I appreciate all those
22 who have participated in its development but I want to remind
23 all that Rockville is primarily a residential community and
24 that anything we do should enhance that fact. I thank you.

25 CHAIRMAN: Thank you, Jim.

1 MR. MARRINAN: And in finality, I wish to wish
2 everybody a Happy St. Patrick's Day. Thank you.

3 CHAIRMAN: Any clarifying questions? Thank you,
4 Jim. Larry Gordon, Shulman, Rogers, how are you, sir?

5 MR. GORDON: Oh, as you said, I'm Larry Gordon with
6 Shulman, Rogers. Among the other clients I've had in the
7 past 30 years, I've represented numerous car dealerships in
8 the city and in the county. The issue of allowing car
9 dealerships to remain along Rockville Pike corridor is a very
10 important one. The existing car dealerships serve the
11 automobile purchasing and service needs of the residents and
12 businesses of the greater Rockville area. These dealerships
13 are conveniently located for these purposes and provide the
14 people of Rockville with a reasonable variety of choices.
15 The original construction and subsequent modernization of
16 these dealerships has involved substantial investments and
17 major site improvements. Accordingly, these dealerships do
18 not plan to leave the Pike anytime in the foreseeable future.

19 As its name suggests and as you've heard earlier
20 tonight, the primary purpose of a Form Based Code is to
21 address design standards, not uses. The design requirements
22 of the city's Form Based Code can be used to address any
23 concerns the city might have regarding continuation of motor
24 vehicle sales and service facilities within the Rockville
25 corridor. The proposed Form Code should not be used to

1 preclude this use. As currently drafted, the code will not
2 allow any new car dealerships and it will make existing
3 dealerships non-conforming. The non-conformity provisions in
4 the draft Form Code are substantially different in both
5 content and tenor from those that were so carefully crafted
6 in the city's new Zoning Ordinance. As the automobile
7 business continues to recover and provide new and better
8 products to serve its customers, these dealerships will need
9 flexibility to grow and, and to modernize. Stringent non-
10 conformity provisions will either impede or prevent this from
11 occurring.

12 I join with those who have asked you to include
13 motor vehicle sales and service as a use that is allowed
14 throughout the Pike. Better still, I would respectfully
15 recommend that the use tables be adjusted and the draft Form
16 Code be eliminated and that the uses contained in the city's
17 new Zoning Ordinance be applied throughout the urban
18 corridor. Thank you for your time and consideration.

19 CHAIRMAN: Thank you, Larry. Any clarifying
20 questions? Okay, thank you very much. Hamid Fallahi, from
21 Darcars, okay. Evening.

22 MR. FALLAHI: Good evening. My name is, my name is
23 Hamid Fallahi and I'm here representing Darcars Automotive
24 Group. Darcars is a family operated business that was
25 founded right here in Montgomery County in 1977. Currently

1 Darcars employees nearly 1800 people in Maryland with pay
2 bill exceeding over 80 million dollars per year. In
3 Montgomery County alone, we employ nearly 800 people
4 providing a stable income, healthcare, and retirement
5 benefits. I serve as the Director of land development for
6 Eastern Diversified Properties which is owned by Darcars
7 Automotive Group. One of the dealerships that we own is that
8 long standing Chrysler, Jeep, Dodge dealership located at 755
9 Rockville Pike at the corner of Pike and Mount Vernon Place.
10 Our property is within the north Pike urban corridor of
11 Rockville's Pike Plan and Form Code.

12 It is our understanding that the draft plan and the
13 code before you this evening does not list more, more vehicle
14 sales and use, and service uses among those permitted in our
15 portion of the Rockville Pike. The same also appears to be
16 true for the middle and south portion of the urban corridor.
17 We strongly urge you to add more vehicle sales and service
18 uses and the list of uses allowed in all three portions of
19 the urban corridor. Me and others work long and hard with
20 the city to have our dealership use allowed in several of the
21 city's recently adopted mix use zones. Our particular
22 property was rezoned MXCD in the city's comprehensive re-
23 zoning. We're allowed in the mix use zones. More vehicle
24 sales and services, service uses are permitted as a
25 conditional use subject to the specific condition numerated

1 in footnote two in the mix use section of the Zoning
2 Ordinance.

3 Further, to the extent that they do not currently
4 satisfy the specific condition contained in the new Zoning
5 Ordinance, our existing dealership and the dealerships owned
6 by others were expressly protected by the ordinances non-
7 conformant provisions. Having so recently addressed motor
8 vehicle sales and service uses in the new Zoning Ordinance,
9 it would be premature and, and patently unfair for the city
10 to suddenly reverse its extensively debated and fairly
11 resolved positions regarding this use for the approximately
12 half a dozen existing dealerships located along two mile
13 portion of the Rockville Pike that you're considering this
14 evening. Thank you for your careful consideration of our
15 concern. We look forward to working with you and the Mayor
16 and the Council --

17 CHAIRMAN: Thank you, Mr. Fallahi.

18 MR. FALLAHI: -- to it and (indiscernible).

19 CHAIRMAN: Clarifying questions of anyone? Thank
20 you very much. Ethan Goffman next. You're speaking for the
21 Sierra Club, sir?

22 MR. GOFFMAN: I am.

23 CHAIRMAN: Five minutes, please.

24 MR. GOFFMAN: Good evening.

25 CHAIRMAN: Good evening.

1 MR. GOFFMAN: Yeah, I'm from the Rock -- or the
2 Montgomery County Sierra Club. I'm also a resident of the
3 City of Rockville so the testimony -- the Montgomery County
4 Sierra Club strongly endorses the Rockville Pike initiative
5 which matches our goal of creating multi-modal
6 transportation. It gets people out of cars and into walkable
7 neighborhoods boasting a variety of uses. We endorse many
8 elements of the plan. In particular, the proposed is to
9 break up super blocks, move store fronts forward, and close
10 parking lots, widen sidewalks, and add trees and other
11 vegetation. We do, however, have some suggestions as
12 follows.

13 First, while the current plan emphasizes retail,
14 we'd like to see more residential development especially
15 apartment buildings. It might appear that this would
16 increase the amount of automobile trips but we believe the
17 reverse to be true. The I-270 corridor is already jobs rich,
18 indeed, because it's overbuilt. We see little reason to add
19 jobs although we hope the existing retail can be preserved.
20 More apartment buildings, therefore, would allow people to
21 live much closer to work and retail greatly shortening
22 commutes from the East County and Prince Georges. New
23 apartments could be clustered around transit adding
24 residential and retail development without compromising the
25 character of the existing communities or pushing out long

1 time businesses. Residential development would also provide
2 a ready supply of customers for retail, many of whom could
3 walk or bike. Furthermore, apartment buildings provide
4 extremely energy efficient housing as heating and air
5 conditioning are shared and new buildings could take
6 advantage of the latest technology to be even more energy
7 efficient. Of course, more school capacity would be needed
8 to make these new residences viable. Adding residential
9 units would also increase the use of walking, biking, and
10 transit. This may be an ambitious undertaking but in the
11 long run, we believe it would be worth it.

12 A second major point regarding transit, it's
13 imperative that Rockville's Pike coordinate with the White
14 Flint sector plan and what county plans for BRT system, both
15 of which employ the center lane of the median. The county
16 plan will likely include a 355 route running from Bethesda to
17 Germantown or beyond. It's questionable whether the
18 Rockville Pike plan to use access roads is viable in
19 isolation, although, it might work for local buses. BRT,
20 like other transit, works best as a network and the
21 Rockville's Pike Plan needs to account for this. The current
22 plan also envisions bicycles sharing lanes with buses. While
23 this is viable, the best bike paths are separated from other
24 traffic. It's also crucial that bicycle paths be clearly
25 connected to other bicycle paths and to town centers in an

1 obvious network. Currently Rockville and North Bethesda have
2 some excellent bicycle assets such as the Trolley Trail, the
3 I-270 crossing at MV 28, and the Carl Henn Millennium Trail,
4 but they're fragment and disconnected. Better signage would
5 help and, preferably, bilingual but full connectivity would
6 be even better. The idea is to transfer bicycling from a
7 maverick activity to one enjoyed by a variety of residents as
8 has already happened on the Georgetown Branch Trail.
9 Finally, while we commend the plans commitment to pedestrian
10 comfort and safety, we believe even more could be done. This
11 is particularly true when it comes to crossing the Pike.
12 Wider medians with crosswalk buttons would be one way to
13 allow slow moving pedestrians, such as those in wheelchairs,
14 to cross without getting stranded. Crosswalks in the middle
15 of long blocks, and I know you're breaking up the blocks but,
16 where viable, would be another alternative. Okay, technical
17 solutions alone might not be enough because Rockville
18 currently has an automobile culture that is extremely
19 unfriendly to pedestrians, particularly when turning vehicles
20 cut off pedestrians who have right-of-way. An education
21 campaign targeted at drivers might be one way of alleviating
22 this. Aggressive ticketing of cars that cut off pedestrians
23 would be another, and remember that pedestrians are
24 especially vulnerable while drivers are protected so we
25 should put pedestrian's rights on a high plain and we would

1 recommend doing this immediately to build the culture of
2 pedestrian comfort. Overall, we commend and support this
3 plan which we believe to be visionary, long term, sustainable
4 thinking. So thank you very much for all your efforts.

5 CHAIRMAN: Thank you, Mr. Goffman. Any clarifying
6 questions? David.

7 MR. HILL: Can I infer from your comment about the
8 idea of trying to put multi-family apartment sort of living
9 into the Pike, would you support sort of the idea of sort of
10 vertical mixed use, meaning street oriented businesses with
11 residents above it? Is that a form factor that --

12 MR. GOFFMAN: We would totally support that which
13 is part of current smart growth thinking. I -- for
14 Rockville, we would really want it concentrated around
15 transit and try and maintain much of Rockville as it is but
16 really transform the whole Pike.

17 CHAIRMAN: Okay, all the questions, thank you very
18 much. I might suggest if there's anyone in the room who
19 wishes to speak later, as the spirit moves you, be sure to
20 sign up in the back or with David here so we move in an
21 orderly process.

22 MR. HILL: We have the list as it's been developed
23 now but if there are more, please sign up.

24 CHAIRMAN: There may be more and any of you who
25 have already spoken or people on the television, we are

1 looking for additional testimony and as Dion and I know, it's
2 called extension of remarks. For those of you who have
3 already said something and want to do something else, please,
4 we're welcome, we're looking for any of that. Next person on
5 the list is Todd Brown from Linowes and Blocher. Good
6 evening, sir.

7 MR. BROWN: Good evening. Thank you very much. My
8 name is Todd Brown. I'm an attorney with Linowes and Blocher
9 and I spoke to the Commission last week about a property that
10 the White Flint Express Reality Group, Limited Partnership
11 owns at Chapman and Twinbrook and about our oppositions to
12 the real (indiscernible) of Twinbrook.

13 What I did not get to say last week was that aside
14 from that concern, we do generally support the concepts that
15 are in the plan. We think that compact dense, mixed use,
16 walkable development near metro is the right way to go and I
17 think you've heard that from, from others including the
18 environmental advocates. We have an opportunity to
19 internalize and reduce vehicle trips to increase transit
20 ridership and to create environments that are attractive and
21 appealing for those who are looking for a more urban and
22 sustainable lifestyle. All of that can be accomplished with
23 this plan.

24 We also listened to the testimony last week and we
25 think the increase in density in the south part of the

1 corridor next to the Twinbrook Metro, within walking
2 distance, actually can do a couple of things that were raised
3 as, as possible concerns. One is that we think that that can
4 actually protect the town center in the north end because of
5 the distances that are involved. Also by concentrating
6 around the metro, we can protect the overall residential
7 character of Rockville by having it be this compact
8 development within a localized area. With respect to the
9 property owned by the reality group, we would like to be a
10 part of the future of Rockville. They are a long term holder
11 of property. The properties well situated, it's a little
12 over an acre. It could be used to anchor the intersection of
13 Twinbrook and Chapman with either redeveloped commercial or
14 residential space, and it can be used to balance the office
15 building that we talked about last week on the north side of
16 Twinbrook, the large office building, it's 390 some thousand
17 feet, and also balance what may be developed on the east side
18 of Chapman Avenue. So we think it's well situated to play a
19 role in the future of Rockville. We do have concerns about
20 the real (indiscernible) of Twinbrook as we mentioned before
21 and I'd be happy to answer any questions.

22 CHAIRMAN: Did you have a note at the bottom of
23 your stack stuff?

24 MR. BROWN: Did I have a note at the bottom --

25 CHAIRMAN: About the testimony you gave? Oh, maybe

1 it belongs to the staff. Never mind. Questions of --

2 MR. HILL: Yes, Mr. Chair, I do have a question.

3 CHAIRMAN: Go ahead.

4 MR. HILL: Can you just elaborate briefly on, you
5 mentioned greater density on the south portion of the Pike
6 and an interaction with town center. I didn't understand
7 what you were --

8 MR. BROWN: I think it's a dumb -- if you picture a
9 dumbbell, creating activity nodes around the metro stations
10 makes sense to me. I think it's what the literature will
11 explain in terms of planning, Urban Land Institute American
12 Planning Association, putting density near metro where people
13 have an opportunity not only to perhaps, through mix use,
14 live and work within walking distance, but also to be able to
15 walk to metro and eliminate those vehicle trips. I think
16 it's the right way to go. It's a smarter way to go and it's
17 better than what we've done in the past 34 years in this
18 country.

19 MR. HILL: Okay, well, I understand that inference
20 but you specifically mentioned the relationship that density
21 in the south Pike would enhance town center and that's what
22 I'm trying to understand what you're getting at.

23 MR. BROWN: I don't think enhance is -- if I said
24 that, it's not -- I misspoke. I think it's really -- since
25 there is going to be growth, I think we've had comments about

1 that, it's likely to occur. The question is where should it
2 occur and I think concentrating it around the south end can
3 protect what has been done in the north end.

4 MR. HILL: Thank you for elaborating.

5 CHAIRMAN: Okay. Dion.

6 MR. TRAHAN: Mr. Brown, here in the document you
7 just gave us, it says that, it also appears that folks in
8 development and new activity node in the south Pike plan
9 conserve to, oh, you balance and protect the overall
10 residential character of the city. Can you talk a little bit
11 about how a new activity node in the south Pike will protect
12 the character of the city because it seems to us that a lot
13 of the criticism of density is that it would do the exact
14 opposite. It would tear apart the fabric or the character of
15 the city. So can you speak a little bit to that, please?

16 MR. BROWN: Sure, I'd be happy to. I think the,
17 the notion is that if there is going to be additional
18 development, and from our perception, we feel that is going
19 to occur, the question is where to locate it in a way that
20 can create good development for those that will be living
21 there but also to protect the existing neighborhoods. When
22 we concentrate in a compact form in localized areas, and what
23 we're suggesting the localized area should be is around the
24 metro stations, that does protect other parts of the city.
25 You're not needing to have additional infrastructure in terms

1 of roads. You're able to utilize the infrastructure that is
2 already in place for the most part. So that would be the
3 rationale for that comment.

4 MR. TRAHAN: Okay, thank you.

5 MR. BROWN: You're welcome.

6 CHAIRMAN: Thank you very much.

7 MR. BROWN: Thank you.

8 CHAIRMAN: Tim Eden of Twinbrook Partners, next.

9 MR. ALEXANDER: Good evening and thank you for the
10 opportunity to speak about the future vision for Rockville
11 Pike. Actually, my name is Jim Alexander. I'm here tonight
12 with my partner, Tim Eden. Tim and I are the principals of
13 Twinbrook Partners, the developer of Twinbrook Metro Center,
14 a six plus acre property purchased on behalf of the
15 Northwestern Mutual Life Insurance Company in December of
16 2010. Our project is located on Rockville Pike at the
17 intersection of Halpine Street and Chapman Avenue at the
18 Twinbrook Metro Station.

19 We're extremely excited about the potential of the
20 Rockville Pike Plan and to play an integral role in the
21 realization of transit oriented development in Rockville at
22 the Twinbrook Metro. It's our intention to file a project
23 plan application for Twinbrook Metro Center in early April.
24 Our plan will include a mix of uses including apartments,
25 office, hotel, and retail space. Due to the prominence of

1 our site, its proximity to the metro, and frontage on
2 Rockville Pike, we recognize that we have a unique
3 opportunity to be a catalyst for smart growth that
4 compliments and enhances the City of Rockville's planning
5 objectives for this area. Together with our partner,
6 Northwestern Mutual, we are committed to moving our project
7 forward and to contributing to the transformation of
8 Rockville Pike and the Twinbrook Metro into a thriving mixed
9 use, transit oriented community.

10 With this in mind, I would like to yield the
11 balance of my time to Tim Eden who will speak in more detail
12 about our impressions of the vision presented in the
13 Rockville Pike Plan. Thank you.

14 CHAIRMAN: Talk fast.

15 MR. EDEN: I actually have a separate, separate
16 contribute.

17 CHAIRMAN: Well, okay.

18 MR. EDEN: If you want, I'll, I'll talk as
19 individual but I am Tim Eden also with Twinbrook Partners
20 representing Northwestern Mutual on Twinbrook Metro Center.
21 We are generally very supportive of the plan that encourages
22 the following objectives as Rockville continues to evolve.
23 Plan promotes architectural integrity and streetscape design
24 principals. The plan improves connectivity through street
25 grid design to encourage safe pedestrian and bicycle flow and

1 smooth vehicular traffic. The plan encourages the
2 development of public gathering spaces and better landscaping
3 standards. The plan calls for improved signage, lighting,
4 and (indiscernible) finding and encourages mixed use transit
5 oriented development to leverage the Rockville and Twinbrook
6 Metro Stations. We note that the plan also calls for Chapman
7 Avenue to be a significant part of that street grid and is
8 envisioned to be a lively pedestrian retail friendly street
9 unlike anything you'd see at White Flint right now, and that
10 we feel that the entrance to metro at Halpine and Chapman has
11 the opportunity to be a very significant town and a place
12 that you don't see at White Flint and I'm not sure White
13 Flint will ever see that around it's metro station.
14 Twinbrook enjoys a special place between the development of
15 JBG at Twinbrook Station and at Chapman and Halpine and we
16 believe that Twinbrook has tremendous potential to be that
17 place. We have three specific comments to the plan as
18 outlined in our written testimony hereby submitted and I'll
19 run through them quickly.

20 CHAIRMAN: Real quick.

21 MR. EDEN: Number one on the Form Code, I won't
22 repeat what's already been said but certainly we agree with
23 the comments about the Form Code being restrictive and in
24 fact that the MXCD and MXTD accomplishes many of the same
25 objectives.

1 With regard to the height, we would just note that
2 the proposed 200 foot cross section of Rockville Pike is
3 ample width to support the 120 to 150 foot height permitted
4 under the MXTD.

5 Regarding APF, obviously we agree with the other
6 comments that were made about APF, APFO. The traffic studies
7 for new development should reflect updated methodologies for
8 critical lane volume analysis including the changing mix of
9 uses in relative traffic patterns, the impact for multi-way
10 boulevard design of non-vehicular transportation modes,
11 pedestrian usage of the Rockville Pike and Twinbrook
12 Stations, and the new street grid and parallel roadways
13 created by new development.

14 Finally, on the multi-way boulevard, and if we
15 could get that, that other graphic on the multi-way boulevard
16 up, we strongly support the multi-way design for the
17 following reasons. Number one, historical examples provide
18 assurance that this design can be successful in creating an
19 attractive and functional boulevard. Number two, this design
20 leverages existing travel lanes, traffic lights, and
21 stormwater management infrastructure including curb and
22 gutter. It appears to be the most practical solution in
23 terms of cost. A key consideration since there is little
24 available public funding. Number three, current setbacks
25 provide right-of-way to add local bus lanes and parking lanes

1 and these lanes can be developed incrementally as funding
2 allows. Our suggestion is consistent with Mr. Greenberg's
3 that the parking lane be located inside the curb along, along
4 the retail street and this provides safety for motorists that
5 are walking to and from their parked cars and improving
6 accessibility to retail. Bus stops are intermittent.
7 They're not continuous so that bus stop access would not be
8 compromised in, in that scheme. In this proposal, the fare
9 lane would be for automotive, bicycle, and loading uses. The
10 outer lane would be used for bus and vehicular through
11 traffic.

12 We consider the multi-way design to be superior to
13 the design proposed by the White Flint Sector Plan for the
14 following reasons. Pedestrian access to the center location
15 provides, creates a safety issue, the center transit lane is
16 proposed, would also be inconvenient for riders and therefore
17 discourage bus and transit usage, and finally, a significant
18 cost would be associated with the White Flint design that
19 would entail rebuilding curb, stormwater management, traffic
20 lights, (indiscernible), et cetera and new bus shelters would
21 have to be built. The proposed plan presumes additional
22 federal funding, federal funding which appears to be
23 problematic and in fact a risky assumption.

24 Finally, and most importantly, I don't see any
25 connectivity to metro and I would, I would note that metro is

1 one of our greatest assets, not only metro but also the bus
2 system which Mr. Hill referenced. Montgomery County accounts
3 for 13 percent of metro in this region. Forty-six million
4 passenger trips per year including 17 million metro bus trips
5 per year in Montgomery County. Fifty-eight thousand trips
6 each day on bus, on bus routes. There are 200 buses in the
7 fleet that support Montgomery County and there are 1500 bus
8 stops in Montgomery County that support WMATA bus system.
9 Can we do more with our existing WMATA infrastructure?
10 There's talk about branding the Georgetown Trolley. Can we
11 do more with, with our bus routes? Sure, but I think we need
12 to be supporting our existing bus system which is extremely
13 efficient and organized and it gets traffic to metro. I'll
14 note that the question was, is our infrastructure with metro
15 a capacity, I'll note that the Rockville boarding number of
16 4900 passengers a day at Rockville, 4600 at White Flint --
17 4100 at the White Flint, 4600 at Twinbrook and Bethesda at
18 10,000.

19 So that would tell you that certainly we have
20 capacity at our metro stations to increase capacity and that
21 I would encourage the, the study of, of the bus system and
22 how we can improve utilization of that existing system which
23 I consider very robust. Those are my comments. I'll take
24 any questions.

25 CHAIRMAN: Thank you very much, Mr. Eden.

1 MR. HILL: I do have a question, Mr. Chair.

2 CHAIRMAN: Yes, David.

3 MR. HILLS: As your partner, Mr. Alexander,
4 testified, you have a project that may be shovel ready ahead
5 of many other people we've heard from tonight. I just want
6 to give you the opportunity to elaborate on whether you felt
7 the Form Based description in the plan and I appreciate that
8 may not apply to you if you come in ahead of the plan.

9 MR. EDEN: Right.

10 MR. HILL: But did you really consider that
11 limiting in terms of what your project form may be here?

12 MR. EDEN: Only in so much as the height,
13 obviously, was the key, was the key departure, I would think.
14 I didn't delve in as much as to the Form Based Code in terms
15 of the types of materials that would be required, the
16 distance from slab to slab distance, I, I can't comment on,
17 on those but we do think that the MXTD was a very attractive
18 feature of our initial investment and property and would be
19 considered an asset for the, certainly for the city and for
20 the, the development of Twinbrook. I feel the MXT is
21 extremely valuable.

22 MR. HILL: We had previous testimony that the
23 density factor was the biggest incentive there. Was that a
24 part of what you considered the MXTD to be more attractive
25 then the --

1 MR. EDEN: It's not just the density, it's also the
2 flexibility of uses and you've seen this in, in Reston Town
3 Center where they had a very prescriptive zoning code. It
4 was very specific as to uses and the owners had to go back
5 time and again and argue for a change in uses that was
6 cumbersome and didn't allow the owners to, to evolve, you
7 know, with the land uses that were economically viable at the
8 time.

9 MR. HILL: Okay.

10 CHAIRMAN: Okay. Yes?

11 MR. TRAHAN: Mr. Eden, talking about transit
12 oriented development or some people would call it density
13 smart growth, my first question is, is it possible to have
14 transit oriented development without changing the composition
15 in the neighborhood, in your opinion?

16 MR. EDEN: Well, I would, I would argue that it's,
17 that it's going to evolve and I think we've heard some
18 testimony that all this development is coming. In reality,
19 it will evolve slowly. It will be block by block by nature.
20 So that the Rockville Pike, like a lot of, like a lot of
21 communities, like a lot of cities is going to evolve and
22 what's great about the, the plan that's proposed is that it
23 provides guidelines for that, for that growth and for that
24 evolution of a community.

25 MR. TRAHAN: You talked about architectural

1 integrity, just a sideboard, one of the things that this
2 consultant talked about, he mentioned a lot about the Pike
3 looking like Shanzelize, K Street, some piazza somewhere in
4 Spain but never once did he address specifically Rockville.
5 He never referred to it as Rockville Plus, Mighty Rockville,
6 Rockville Mega. I think he completely missed the character
7 of the city but that's just my own personal view which will
8 get you probably a Coke and not even a bag of chips, but
9 going back to architectural integrity, you said that the Form
10 Code or maybe Mr. Alexander did, I'm sorry if I'm putting
11 words in your mouth, but the Form Code is restrictive so
12 trying to tie in architectural integrity and a reason for the
13 Form Code being restrictive, is it possible that the Form
14 Code is restrictive to protect the character of a city from
15 not being hijacked?

16 And, again, not to put words in your mouth, it just
17 seems like you and, sorry for the emphasis, you and a couple
18 of other people, developers, and other people that have a
19 stake, want to have that freedom of architectural creativity,
20 integrity, whatever the case may be and I presume that the
21 reason is to make it more of a experience for the pedestrian.

22 MR. EDEN: Correct.

23 MR. TRAHAN: So here, just playing devil's
24 advocate, and arguing for a Form Code, what would be an
25 argument against a Form Code protecting the character of a

1 neighborhood or of a city?

2 MR. EDEN: Again, I, I, I think in practicality, I
3 think you would see a planning staff and a planning board
4 that would, would participate like you would now in, in the
5 development process. I think you would see that, you would
6 see good architectural design. I think when, when you look
7 at these mixed use projects that you're going to develop,
8 there aren't any cheap Class B projects being developed.
9 This doesn't happen, you know, there -- your funding a Class
10 A design with Class A architect. I think you could look at
11 Rockville Town Center, Town Square, I think you conclude that
12 that was a positive contribution to the evolution of
13 Rockville and if, and if there is a town of Rockville, right
14 now it's right under our nose right here in Rockville, and I
15 think it's well done. What's to prevent a, a poor
16 development? Is that your question? What's to prevent
17 somebody from doing something that you wouldn't like? Is
18 that your question?

19 MR. TRAHAN: No, but it is now.

20 MR. ALEXANDER: Can I just add a comment to that?
21 The, the MXTD zone that a number of people have spoken to
22 provides very good guidance, I think, not only to the city
23 but to the development community and to the residential
24 community and the residents of Rockville. There are
25 standards established, there are height limitations

1 established, setbacks, all the normal characteristics that's
2 required to allow zoning to take place and, and planned
3 development to occur. The issue with the Form Based Code
4 which is much more restrictive and prescriptive,
5 particularly, the Form Based Code that's proposed in this
6 instance is it limits one's ability to react to the market
7 place, to what the residents actually may want, or what the
8 market actually demands.

9 When you start to prescribe different heights and
10 different setbacks and get too, too narrow in your definition
11 of what is allowed, it takes away that ability to allow that
12 creativity to occur that responds to the market and the
13 demands of the residents. You need that flexibility in order
14 to really create a place that's special and the Form Based
15 Code can be very limiting if it's not addressed very, very
16 carefully.

17 MR. TRAHAN: Thank you.

18 CHAIRMAN: Thank you very much, gentlemen. Evan
19 Goldman with Federal Realty. No? Okay. Susan Prince, West
20 End Civic Association, five minutes, please. Hi, Susan.

21 MS. PRINCE: Wow, there sure are a lot of
22 developers here tonight. You're going to hear something a
23 little bit different tonight than what you've heard so far
24 and I have to tell you, I take a little exception to the idea
25 that some of the comments I've heard make it sound like they

1 know what's best for the residents and I really do take
2 exception to that. So I'd actually be curious to know how
3 many actually live in Rockville, other than the one woman I
4 think who spoke.

5 Anyway, okay. Good evening, Members of the
6 Planning Commission. My name is Susan Prince and I reside at
7 206 Evan Street in Rockville. I am President of the West End
8 Citizen's Association which represents approximately 1600
9 households in the residential area adjacent to the Town
10 Center and just north of the area included in the proposed
11 Rockville Pike Plan. As a by product of our prime location,
12 our neighborhood is right in the cross hairs of all the
13 changes coming down the Pike in Rockville, no pun intended.
14 We face continual development pressures. Our streets carry
15 an over abundance of traffic and our schools are
16 substantially overcrowded.

17 The Rockville Pike Plan as proposed, will do little
18 to address these issues. In fact, it appears that the plan
19 will take away one of the prime advantages of living in
20 Rockville, close proximity to a wide variety of shopping
21 options and desirable services. David Levy of the Planning
22 Department attended our February meeting and presented the
23 details of the proposed plans. Thank you, David. Residents
24 raised several issues and we had a lively discussion about
25 the merits or otherwise of this plan.

1 Initial concerns raised related to the cost of the
2 project, who will pay for it, the future of the APFO, and the
3 proposed density and associated traffic. We are not in a
4 position to draft a formal stance on the proposal at that
5 meeting because people needed time to digest all the details.
6 For a plan that is intended to be implemented over the next
7 20 years, I can't understand why we would have less than a
8 month to develop a position and testify at a public hearing.
9 We hold meetings once a month and the next scheduled meeting
10 is tomorrow night at which time we will discuss the plan in
11 more detail and develop additional comments which we will
12 submit in writing. However, given the type of deadlines that
13 have been adopted for review of this plan, I wanted to take
14 the opportunity to speak now. Furthermore, our experience in
15 the past is the process for submitting written testimony can
16 be somewhat unreliable and I wanted to make sure we don't
17 miss the opportunity to have our voice heard and engage with
18 the Planning Commission in a public forum. After reviewing
19 the plan and discussing the details with several residents, I
20 do have several areas of concern which I wanted to review
21 with you tonight.

22 The plan is primarily a transportation plan. In
23 reviewing chapter five which contains the heart of the plan,
24 seven out of the ten points refer to transportation issues.
25 The other three relate to land use, the funding mechanisms,

1 and economic strategies.

2 At a cursory level, it is evident that the primary
3 intention of the plan is to address the traffic issues
4 currently facing the Pike but what do we want the Pike to
5 actually be? The plan is somewhat schizophrenic in that it's
6 trying to accomplish two contradictory things at one time.
7 Do we want the Pike to serve as a transportation corridor
8 with people speeding to their destination, perhaps to the new
9 shops at White Flint, or are we trying to create a walkable
10 boulevard where people stroll along window shopping and
11 sipping lattes at café, sidewalk cafés a la Paris? The plan
12 seems to want us to have both and I would argue that by
13 trying to achieve both of these goals will actually end up
14 with neither. No one will want to stroll along a
15 transportation corridor and the (indiscernible) position of
16 through lanes next to street level shops and restaurants will
17 hamper through traffic as drivers endeavor to see what
18 they're missing that's going on on the sidewalks. I would
19 also argue that having side lanes, like K Street, has a
20 potential to confuse, frustrate, and create traffic
21 nightmares. Personally, I avoid the local lanes on K Street
22 as I am worried I'll get trapped behind a delivery truck,
23 taxi cab dropping off passengers, or a lost tourist trying to
24 find their hotel.

25 In fact, it is questionable if either goal is

1 suitable or appropriate for the Pike. The idea that the Pike
2 should be reconfigured to accommodate more through traffic
3 may be a desirable goal for the county but at what cost to
4 the residents of Rockville? I think the residents of
5 Arlington fought against having 66 -- I think of the
6 residents of Rockville -- Arlington, who fought against
7 having 66 go through their neighborhoods, reluctantly agreed
8 but with strict limits and are once again fighting expansion,
9 all to shorten the commute times of residents further out who
10 traded longer commutes for cheaper houses. I sympathize with
11 the Arlington residents who made certain sacrifices to
12 achieve a quality of life which is endangered by people who
13 want to have their cake and eat it too, and I certainly do
14 not want to put Rockville in a similar position. More
15 importantly, none of this touches on how additional traffic
16 will be permitted through intersections that are already
17 failing. By repealing or gutting the APFO which governs
18 acceptable traffic limits? The approach in the plan seems to
19 be if you want to have more traffic flow through an
20 intersection that is already failing, just raise the
21 standards. And of course, we know there will be no impact on
22 schools as no children live in condos.

23 Okay, conversely, we also need to think carefully
24 about how residents use the Pike today. Do we really want to
25 transform the Pike into more trendy stores and restaurants a

1 la Town Center? Which, by the way, still isn't complete.
2 Think about what people go to the Pike for today and the
3 types of stores, goods, and services that currently exist.
4 By my informal count, the Pike is the place to go for big
5 items. Hey, whether it's furniture from Havertys, a big
6 screen TV from Best Buy, reams of paper from Staples,
7 bicycles and canoes from REI, many of the stores are not
8 places where you would want to walk home with your purchases.
9 That's not to say you won't also get a prescription from CVS
10 or mascara from Ulta but generally speaking, people come to
11 the Pike verses the mall or other locations to shop and buy
12 big household items we all need. I certainly won't find a
13 new Jeep or Volkswagen at Macy's. It appears that the plan
14 does not allow for these types of stores to exist much less
15 thrive or prosper. Do we really want to send all of our
16 residents to Germantown to shop?

17 This point goes to land use or Form Code portion of
18 the plan. Initial review shows that buildings were come
19 right up to the Pike with retail housed on the ground floors
20 of multi-story buildings. Going back to the Arlington
21 example, this seems like the Boston corridor where there are
22 streets lined with mixed use buildings. If you look
23 carefully at the stores along this corridor, there are no
24 Bed, Bath, and Beyond, no container stores, no car
25 dealerships. Where do people in Arlington go to buy these

1 items? They get in their cars and drive to Tysons.

2 So it may be a walkable community, but residents
3 are forced to go somewhere else to buy a significant
4 percentage of their household goods. Our residents will soon
5 be driving to Gaithersburg and beyond to take care of the
6 very things they can currently get right here in Rockville.
7 We'll lose a large part of the value the Pike offers our
8 residents. We need to think carefully about whether this is
9 what will serve our residents and the residents outside the
10 city that support all the businesses, local and otherwise,
11 currently on the Pike.

12 And lastly, who will pay for all of this? Quoting
13 from the plan, this implies that the city must be prepared to
14 make initial capital investments to realize significant
15 components to the plans transportation system. What does
16 this mean? I would much, I would like to much better
17 understand where the funding for this plan is coming from and
18 how we, as residents, will be asked to pay for this.

19 It is unfortunate to be so negative but I frankly
20 cannot find much in this plan to recommend itself. If the
21 issue is how the city will accommodate future growth of its
22 population, then let's have a discussion about that. Change
23 is definitely coming. With the approval of the county White
24 Flint Sector Plan, and it's associated growth, as well as
25 proposed Science City, Rockville is going to face

1 unprecedented pressures and challenges from all sides. The
2 steps we take now will have huge repercussions down the road.
3 All the more reason to be mindful of what makes the Pike
4 work. Its status is a powerful shopping destination in a
5 convenient and accessible location. If we're not careful,
6 Rockville will end up as an irrelevant way station with all
7 the headaches for our residents and none of the benefits.
8 Thank you very much. Sorry to go over so long.

9 CHAIRMAN: Thank you, Susan, for your comments.
10 Clarifying questions? Anybody else? Okay, Dion.

11 MR. TRAHAN: Thank you, John. Ms. Prince, I
12 enjoyed your testimony so thank you.

13 MS. PRINCE: Thank you.

14 MR. TRAHAN: And that's a pleasant scarf you got on
15 too so --

16 MS. PRINCE: Thank you. I am to please.

17 CHAIRMAN: (Indiscernible.)

18 MR. TRAHAN: As you say, Mr. Chairman, the spirits
19 moving me. Let me have my moment. Okay, so one thing you
20 had mentioned, and forgive me if I'm tying this in wrong or
21 incorrectly, but you mentioned value and these big ticket
22 items. So I had this vision in my mind of me telling my
23 wife, you know, hey, sugar, we're going to pick up a big item
24 at Best Buy and the best part is we're taking the bus and
25 we're walking two miles from our metro to our house and she

1 would say, you out of your mind.

2 MS. PRINCE: Right.

3 MR. TRAHAN: It ain't happening.

4 MS. PRINCE: Right.

5 MR. TRAHAN: So we take our car.

6 MS. PRINCE: Right.

7 MR. TRAHAN: The fact that residents, number one,
8 let's just we suppose they enjoy their cars, two, they enjoy
9 having parking, and, three, enjoy these Mom and Pop stores
10 and also big ticket item stores that we've come to enjoy.
11 When you say value, is that the umbrella that you're sort of
12 putting everything under?

13 MS. PRINCE: I mean, you have to think about how
14 people are using the Pike today. The plan, in and of itself,
15 is a great plan in a vacuum, however, the reality is, is how
16 our currently -- how our residents currently use the Pike
17 today? They're using it as a utility. It serve the fabulous
18 utility. Yes, traffic is a headache but part of the reason
19 that traffic is a headache is because people are voluntarily
20 coming there to do their shopping. They're coming there
21 because it has the types of stores that attract people and
22 quite frankly, a lot of those stores are things -- I mean, if
23 I'm buying shelving at the container store, I'm not going to
24 be carrying that back to my, you know, my house. I need to
25 be able to drive.

1 So I don't think that this plan -- it maximizes the
2 value for the developers which is great but they're not the
3 ones who are looking to actually live here and take advantage
4 of the types of stores that we currently have and I'm not
5 trying to defend the current stores, I just, I don't know
6 that this plan -- I don't have the answers. I just don't
7 think that this plan is the right vision for Rockville Pike.

8 MR. TRAHAN: Well, and the last question I have, I
9 know you said there wasn't very many things that were good
10 about the plan.

11 MS. PRINCE: Right.

12 MR. TRAHAN: But just for the sake of, you know,
13 comedy and good faith, is there --

14 MS. PRINCE: I love Boston. I love going there.
15 It's great. I love going down but there are certain places
16 that are great to go to. I love Town Center. However, the
17 reality is, is that people have household things that they
18 need and you can't always go to a trendy shop and I'm not
19 always going to be drinking a latte and I'm not always going
20 to be going out to dinner. I need to function. The, the
21 attorney that got up and talked about shopping and doing her
22 errands, you know, and walking during, you know, the day when
23 she was at work, I, I think that's great but they're two
24 different things. They're two different things and I love
25 the whole design, I think it's gorgeous, it would be great.

1 It's just we're going to lose something that is of value to
2 us today and who knows what, you know, traffic --

3 MR. TRAHAN: As --

4 MS. PRINCE: Sorry, didn't meant to interrupt.

5 MR. TRAHAN: No, no. As the representative of West
6 End, can you give us just one thing, as West End, and I know
7 you don't have much time, but that people liked about the
8 plan? Whether it was --

9 MS. PRINCE: Oh, well, I don't know. David, did
10 anybody say anything? He was there. There wasn't one thing
11 that people responded to in a positive way.

12 MR. TRAHAN: Okay.

13 MS. PRINCE: And I think people are extremely
14 concerned about the threat to the APFO and if I could add
15 just one more thing, I know my time is up but all these other
16 developers had a chance to talk so long so --

17 CHAIRMAN: This is question time so your time is
18 not up.

19 MS. PRINCE: Okay, good. The thing I would argue
20 about the APFO is that people are looking at it the wrong
21 way. The APFO is not a constraint to development. The APFO
22 is a safeguard for the residents and really what we need to
23 be looking at is if we want to allow all this development,
24 fine, but we need to make sure that we have the
25 infrastructure to support it, whether it's the schools, the

1 roads. So, I, I hate it being painted in this negative way
2 because it's really a safeguard and a protection for the
3 community and it's going to protect what makes Rockville so
4 attractive and I think that, you know, I think that the APFO
5 should stay and what we need to do is figure out a way to
6 accommodate the growth that's coming down the Pike but in a
7 way that, you know, doesn't completely lock us all up.
8 Sorry, my little editorial comment.

9 CHAIRMAN: Other questions?

10 MR. HILL: Yes, I just --

11 MS. PRINCE: Yeah.

12 MR. HILL: In your testimony, you started out with
13 a list of the concerns of the West End --

14 MS. PRINCE: Yes, yes.

15 MR. HILL: -- and I appreciate you having
16 formalized that. You went through that list so fast.

17 MS. PRINCE: Okay.

18 MR. HILL: I was hoping you might go through it one
19 more time.

20 MS. PRINCE: Okay. Let's see --

21 CHAIRMAN: Add that for presentation to written for
22 staff?

23 MS. PRINCE: I can certainly email my comments --

24 CHAIRMAN: Good. Please do.

25 MR. HILL: That would be good.

1 MS. PRINCE: -- to staff and we will be submitting
2 written -- but basically, the initial concerns were the cost
3 of the project, who will pay for it, the future of the APFO
4 proposed density and associated traffic, and also the people
5 were very concerned about the fact that Town Center has not
6 been completed. So, we're embarking upon yet something else;
7 we haven't finished the plan that we, you know, are already
8 starting, and I know this is a long term plan but that, that
9 was another issue that was raised so --

10 MR. HILL: Thank you.

11 CHAIRMAN: Okay, thank you very much, Susan.

12 MS. PRINCE: Thank you.

13 CHAIRMAN: Appreciate it. Jack Gelin. Good
14 evening, sir.

15 MR. GELIN: I am Jack Gelin. I resided at 105
16 South Van Buren Street in Rockville for 42 years and 11 years
17 ago, I was a member of this Commission. The preliminary
18 matter, I want to make a few general comments on the Pike
19 plan and finally make a specific comment on the portion of
20 the plan that recommends the city create a new city official
21 called the town architect.

22 The Rockville Pike, as you know, is Maryland State
23 355 and it serves as the main artery between Frederick and
24 the District of Columbia. Hardly subject to any meaningful
25 control by the city but it's controlled by the state and the

1 county. Most of the land along its length is not subject to
2 city control. The plan's stated objective to create a grand
3 boulevard like the Shanzelize in Paris or the Passeig de
4 Gracia in Barcelona or even K Street in downtown Washington
5 is either fantasy or not desirable. Neither the Shanzelize
6 or the Passeig are the main artery connecting two places that
7 just happen to go through Paris or Barcelona, and the last
8 time I rode the Shanzelize, which simply, it was packed with
9 honking, gridlock cars, and it's deteriorated. The stores
10 are really deteriorated. It's not a gorgeous place anymore.
11 K Street is hardly the model we should look at if we want to
12 foster and maintain Rockville as a pleasant place to live.

13 I've heard the developers repeated complaints about
14 the APFO. Surely it is inconvenient to them. They want to
15 build office buildings, large stores, high density
16 residences, and regardless of the effect on the city's
17 infrastructure, especially overcrowded roads and schools.
18 The developers argue that thousands of potential new
19 residential, and they talk 20 or 30,000, would live along the
20 Pike and not have children, either because they're just
21 starting out or because they're empty nesters, essentially
22 they need not worsening our over crowded schools. Surely,
23 they cannot be serious. Further, do we really want to live
24 in children free zones? Admittedly, Rockville lacks
25 jurisdiction to control the large planned development in

1 White Flint or Mid County Plaza but the kind of large scale
2 development within the 2.2 mile portion of the Pike that goes
3 through Rockville will surely drive out the Mom and Pop
4 stores and the other enterprises that make Rockville appear
5 to be a small friendly town. Massive development would also
6 adversely affect the Town Center which continues its struggle
7 to survive. Proposed development along the Pike will
8 inevitably degrade adjacent neighborhoods like mine, the West
9 End. The developers repeated claim that added development
10 will add to Rockville's tax base and increase its revenues
11 have never worked out in the past and won't in the future.
12 Sure losers, should this plan be adopted, will be Rockville's
13 residents.

14 Finally, a word about the recommendation to create
15 a new official called the town architect. This would be a
16 disaster. The role of a zar completely contravenes the
17 recommendation of the citizens communication task force that
18 seeks to require the city to respond to citizen concerns. If
19 Rockville is special, it's because it's citizens
20 participation and public, and for public office and nobody
21 for, running for public office will go for this at all. I
22 submit that the whole idea replacing Rockville citizens and
23 their neighborhood organizations, making decisions that
24 affect their lives and neighborhoods, just is a non-starter.
25 The amount of money the city has spent over a half a million

1 dollars on this plan is foolishly misspent. I urge you to
2 reject it and reject the fantasies like creating a signature
3 address on the Pike. The plan would fulfill the dreams of
4 land loss, you, these firms and their development clients but
5 for Rockville's residents, the plan would be a nightmare.

6 CHAIRMAN: Thank you, Jack. Clarifying questions
7 from anybody? Thank you very much, Jack. All right,
8 Brigitta, Brigitta Mullican?

9 MS. MULLICAN: Thank you. I'll try to be
10 respectful of the time. Although, I will tell you that I've
11 got six pages. I will not read them all. I will submit --

12 CHAIRMAN: You submit them.

13 MS. MULLICAN: I will submit them in writing.
14 Thank you. My name is Brigitta Mullican. I have lived in
15 Twinbrook since 1965 and at 1947, Louis Avenue, on the
16 railroad metro side since 1975. My house is directly behind
17 what is, use to be, behind what used to be Maryland Motors.
18 I can see the tall building at 1451 Rockville Pike which is
19 directly across the street from the Maryland Motor property.
20 At night, the lights from the Pike can be seen in my bedroom
21 windows. No building along the railroad would block those
22 lights if new buildings were built along that part of the
23 Pike. I do not believe that the tall buildings will cast a
24 shadow as far as my house.

25 I am aware of the Rockville Pike concerns such as

1 traffic flow, poor bicycle trails, and pedestrian safety. At
2 one time, there weren't enough sidewalks along the Pike to
3 allow one to ride a bike from one end to the other, and I
4 tried it. Walkers get wet when cars drive by during the
5 rain. Through many years of following the planning process,
6 both as a former member of the Rockville Planning Commission
7 and an active participant in Civic Associations, I have come,
8 I have become familiar with the planning process. All
9 stakeholders need to be included in the land and zoning
10 decision making.

11 First, bringing together members of the business
12 community advocacy organization and residents of public
13 comment is a must and can only make the plan better. Your
14 role as Commissioners is vital because you hear and receive
15 testimonies from all stakeholders and as commissioned, make
16 recommendations to improve the plan.

17 Second, some parts of the Rockville Plan is in agreement
18 with what the county is doing but more dialogue is necessary
19 to get it compatible, to get a compatible Rockville Pike
20 corridor plan approved. There appears to be different
21 boulevard plans within the county. Is the city Pike plan
22 compatible with the approved White Flint project and the
23 state's roadway priorities? I believe that the City of
24 Rockville needs to work more closely with the county planning
25 department. It makes no sense to have two different versions

1 of the Rockville Pike and have two different boulevard plans.
2 The plan addresses complete street and how they should be
3 continuous through the city to enhance mobility to all users,
4 pedestrians, bikes, transit, and cars alike. Roadways are
5 not just conduits for cars. Most of those improvements can
6 happen and some will take a long time. Third, I believe that
7 the overall needs of Montgomery County should prevail over
8 what our essentially powerful but minority interests of some
9 residents.

10 Not only does a single plan satisfy the needs of
11 the greater good, it provides a basis for state and federal
12 funding of a project. Rockville needs to think about
13 regional goals and not ignore the county and the state's
14 priorities. Traffic flows through the Pike from the north
15 and the south. I believe the Rockville Pike neighborhood
16 plan that was adopted by the city as part of the master plan
17 in 1989 failed to provide a more efficient transportation
18 network. Transportation improvements would not be
19 accomplished without developers financing and funding support
20 from the State of Maryland. Transportation funds will go to
21 the areas with the highest priority and where high density
22 occurs. Rockville seems to ignore that the county's vision
23 and hinder development which would help the county's growth
24 and needs. The city is in no position to build affordable
25 senior housing projects to improve all properties along the

1 Pike. Roadways, bridges, and bike trails require state and
2 federal support and funding. The Town Center, including the
3 three garages, is one development project where Rockville
4 property taxes are used to pay for it. The Twinbrook Station
5 development is not funded by Rockville tax dollars but the
6 developers. We share, we share of the local income tax that
7 the city receives from the state is a whole other subject of
8 debate which I assume that you'll be getting into when you do
9 the financing. I am beginning to understand a little more
10 why the state holds tight what is distributed to
11 municipalities, we tend to be a little anti for a lot of
12 things here in Rockville.

13 I have several areas that I address and that's the
14 competition of the state fund, the Form Code, the boulevard
15 concept, the density, demographics and trends of the county
16 that can't be ignored, there is no, no more new land
17 available. In conclusion, and I've addressed those areas, I
18 don't have enough time --

19 CHAIRMAN: We'll get it.

20 MS. MULLICAN: I'm trying not to go over but in
21 conclusion, I agree with the development principals, the core
22 recommendations, and the principal transportation elements of
23 the multi-way boulevard. Improvements need to be made so
24 that the plan fits the county's long range planning. I
25 believe there are experts in the planning and transportation

1 fields that can best address how this plan will work. I hope
2 you go, I hope you get to hear all of those comments in
3 addition to the developer and the citizens. The review
4 process works well allowing the public input. I believe it's
5 the greatest system.

6 The plan, through the years, will need to change as
7 the economy changes. We can all agree that with the price of
8 gas going up, all of our lifestyles will change and our
9 future decisions will be affected on our own personal
10 economic situations. I know the Commission will do the right
11 thing and make this a better plan. So there are pros --
12 mostly I'm for the plan but there are areas that you need to
13 --

14 CHAIRMAN: Okay.

15 MS. MULLICAN: -- improve and I just want to give
16 you a citizen's point of view because there seems to be more
17 anti-citizens against the plan, from what I'm hearing.

18 CHAIRMAN: I wouldn't characterize it that way.
19 It's just different viewpoints, that's all.

20 MS. MULLICAN: Well, different viewpoints but I've
21 been listening to comments long enough that I can get the
22 gist of it.

23 CHAIRMAN: Well, yes, that's true.

24 MS. MULLICAN: I guess the key is the adequate
25 public facility ordinance which needs to be improved, which

1 everybody agrees in, and that's going to be the best
2 discussion, I guess.

3 CHAIRMAN: We have a group that's working long and
4 hard on that, very deliberately too. Thank you, Brigitta.

5 MS. MULLICAN: That's key to the city, really.

6 CHAIRMAN: Huh?

7 MS. MULLICAN: That's the key to all of this.
8 Thank you.

9 CHAIRMAN: Comments or questions from anybody?
10 Okay, thank you. Brian Barkley, Rockville Chamber of
11 Commerce, five minutes please.

12 MR. BARKLEY: Thank you, Mr. Chair. I'm speaking
13 on behalf of the Rockville Chamber of Commerce. Interest to
14 full disclosure, many in the room know that I have practiced
15 law in Rockville for over 30 years but I am not a land use
16 attorney. I don't represent any developers in this process.
17 The principal focus of the Rockville Chambers review of the
18 Rockville Pike plan is how does the plan affect business in
19 the corridor? A strong business community is a critical
20 component of the quality of life enjoyed in Rockville. The
21 Pike plan recognizes that Rockville Pike is a critical
22 component of that vibrant business community. Our review
23 raised a number of questions. We'd like to highlight a few
24 of those questions and some potential answers that we believe
25 should be addressed more fully in the plan.

1 One, how do we preserve Rockville as a regional
2 retail destination? How do we retain the national chains,
3 anchor stores, specialty retailers, and local shops including
4 the Mom and Pops, frankly, a lot of them belong to our
5 Chamber? We believe that some of the answers may be to
6 continue to provide what retail needs for success,
7 visibility, accessibility, signage, which we've addressed and
8 are addressing as a Chamber together in conjunction with the
9 city, customer traffic, and parking. They all need to be
10 incorporated into the plan. Stated a clear transition plan
11 that allows existing retail centers to remain and prosper
12 while underutilized sites redevelop per the plan. It would
13 eliminate the burdensome, the burdens created by labeling
14 existing customers and centers as non-conformities which
15 you've heard some about already this evening. Many of long
16 term leases and will remain in place for the life of the
17 plan. We need them to be able to modernize, expand, and
18 react to changes in the retail market place. Encourage
19 active retail at whatever location within the plan the free
20 market places it. Safe streets rely on activity at the
21 street level provided by retail. Don't artificially limit
22 the types of uses based on the types of streets which,
23 appears to us, to be a part of the plan.

24 Next, how do we take advantage of existing assets
25 on the corridor? One, the Twinbrook Metro Station, you've

1 heard some talk about that this evening. Recognize that
2 residents and workers walk to and from the Twinbrook Metro
3 Station from the businesses and residences west of Rockville
4 Pike to Jefferson Street. Take advantage of the proximity to
5 the metro and expand the transit oriented area and urban core
6 to encompass a logical area to the west of Rockville Pike in
7 line with the station. The Rockville Metro Station in
8 Rockville Town Center, capitalize on the adjacency of the
9 northern section of the Pike plan to the both the Rockville
10 Metro Station and Town Center and add a significant
11 commercial and residential component to that section. The
12 new street grid, encourage property owners through incentives
13 to dedicate and build the proposed street grid. Don't down
14 zone the Pike where appropriate up zoning may be necessary
15 and appropriate so the plan will be more realistic and
16 strengthen the tax base. How are we going to pay for this
17 plan? Does the plan increase the commercial tax base to the
18 city? Does the plan generate enough revenue to pay for the
19 infrastructure? More work needs to be done to demonstrate
20 that the economics work to bring this plan to fruition. How
21 does this plan coordinate with other policies and issues the
22 city and market forces outside the city? How does the plan
23 coordinate with the APFO, and the Chamber is participating in
24 that and we are fully aware with what the Chair has said
25 about that, particularly in light of the state of school

1 capacity and traffic capacity along the Pike. How does the
2 plan coordinate with alternatives for bus rapid transit being
3 advocated by the county between White Flint and Science City?

4 And I recognize that we're raising more questions
5 than answering but I think these are important questions that
6 have to be addressed in the process. How does this plan
7 coordinate with the pressures and opportunities presented by
8 the White Flint Sector Plan? A business and the community
9 and the Civic Associations don't always agree but I have to
10 agree with the comment that I heard earlier from West End
11 which is that we need to be careful, this is a long range
12 plan and we don't need to move forward so quickly with this
13 that we don't address all these questions.

14 To answer these questions, much work needs to be
15 done. Let's not rush to a decision and impact the great
16 things we want to preserve along the Pike. We strongly
17 recommend more input, information, and ideas be solicited
18 from stakeholders and experts. The Chamber stands ready to
19 assist in this process and I think I actually completed in my
20 allotted time.

21 CHAIRMAN: Oh, my gosh, you've got time to breathe
22 for a moment. Any clarifying questions? Dion?

23 MR. TRAHAN: Mr. Barkley, last week, and I'm going
24 to be getting this wrong so correct me please or bear with
25 me, we heard from a business owner who informed us that, I

1 guess, along the Pike, there's a stretch that's a HUD zone?
2 I think, is that right? He referred to it, I believe, as a
3 HUD zone. Basically, I guess, businesses got some sort of
4 incentive for being there because it was, I guess, a lower
5 sort of --

6 MR. HILL: I think it was the government
7 contracting --

8 MR. LEVY: Yes, it's a HUB zone.

9 MR. HILL: Yes.

10 MR. LEVY: And it's a department of -- H-U-B.

11 MR. TRAHAN: HUB zone.

12 MR. LEVY: Yeah, we can get you a definition on
13 that but it relates to government contracting and relates
14 those who live in the area to employers in the area but we'll
15 get you specific definition on it.

16 CHAIRMAN: People who can be in Class B and survive
17 there, basically, yes.

18 MR. TRAHAN: Okay, well, my question was just
19 gutted so I appreciate your patience.

20 MR. BARKLEY: I don't think I could have answered
21 it anyway so it's just as well. I'm not a land use attorney.

22 MR. TRAHAN: All right, thank you.

23 MR. HADLEY: Will this affect people's pay scales,
24 I guess? No, I'm kidding. We had a comment about the role
25 of pay scales --

1 CHAIRMAN: Any other comments for -- yes, Kate?

2 MS. OSTELL: Are you going to be submitting
3 anything in writing?

4 MR. BARKLEY: I'm not sure at this point. We have
5 a lot more work to do. Part of the problem is, and similar
6 again to West End, we have a lot of businesses. We have not
7 had -- I know this has been worked on for a period of time
8 but for many of the small businesses, in particular, this is
9 all new, and we have to reach consensus. We don't represent
10 one group as opposed to other so that's why (indiscernible)
11 questions. There's some answers I think we do agree on. I
12 hope to be able to get to submit something in writing to you
13 and we will be meeting --

14 MR. HADLEY: We would appreciate it. They were
15 good questions. We'd like to at least get the questions.

16 MR. BARKLEY: I think that's the large part of what
17 we're trying to do is make sure we answer -- we at least know
18 what all the questions are.

19 CHAIRMAN: We'll have that in a public record.

20 MR. HILL: You'll have it in the transcript.

21 CHAIRMAN: Transcript --

22 MS. OSTELL: Well, I was also thinking, you know,
23 going out and as the Chamber discusses this over the upcoming
24 months, as question arise, I mean, send them all to us, you
25 know, even if they're unanswered, even if there's not a

1 consensus. But, we want to hear what the Mom and Pops
2 concerns are verses the big -- everybody.

3 MR. BARKLEY: Absolutely, and I will say that the
4 city was good enough to have a presentation to -- I happen to
5 have the legislative committee and we had a presentation two
6 or three weeks ago and it was very helpful. It was one of
7 the best attended meetings of my committee we've ever had and
8 it was one, and the longest so there's a lot of dialogue
9 that's going on and we will absolutely get any comments,
10 questions, or concerns to you.

11 MS. OSTELL: Okay.

12 MR. BARKLEY: Thank you again for your time.

13 MR. HILL: I have one question, Mr. Barkley.

14 MR. BARKLEY: Certainly.

15 MR. HILL: And that is you mentioned the idea of
16 incentivizing landowners to redevelop, I think you were
17 referring to side streets. We heard earlier tonight that the
18 main incentive of developers interest was density. Do you
19 have any other ideas of how to incentivize these landowners?

20 MR. BARKLEY: That's mainly what I have heard in
21 the discussions we've had so far. That certainly is the
22 principal concern and there are, the concern I've heard, and
23 again, I'm just repeating what I've heard from some of our
24 members, is that parts of this plan would effectively down
25 zone and that is a major concern for property owners across

1 the Pike.

2 MR. HILL: Okay.

3 MR. TRAHAN: All right --

4 CHAIRMAN: Yes, go ahead, Dion.

5 MR. TRAHAN: I have a silly question. I think I
6 know the answer but I'm not sure. Why is density good for
7 these businesses? Is that because they attract more sales
8 or, the correlation there when we heard a lot of developers
9 and businesses earlier say, you know, density is a good
10 thing, can you just explain why it is a good thing from their
11 perspective?

12 MR. BARKLEY: Well, I'm not sure I'm the best
13 person to answer that but let me try from -- I'm repeating
14 what I've heard because this is not my area of expertise.

15 MR. TRAHAN: Lot better than what I know now.

16 MR. BARKLEY: Well, I won't guarantee it is but
17 I'll try. What I hear basically is you pay a certain price
18 for a property. You have a certain number of square feet on
19 the ground. As a general rule, if I'm building a store, the
20 more square feet I have, the more product I have, eventually,
21 it translates into dollars and let's face it, that's what
22 business is about is making a profit. So I think that's the
23 principal reason. Somebody else -- I recognize the gentleman
24 sitting right behind me. I'm getting some nods so I think I
25 did --

1 CHAIRMAN: We'll get staff to --

2 MR. BARKLEY: Maybe I'll try land use before I'm
3 done. Whole new career.

4 MR. TRAHAN: Okay, so my final question, I promise,
5 John, is, in my mind, I'm trying to reconcile this idea
6 between density being a bad thing, density tearing apart the
7 character of a neighborhood, of a city, yet, when it comes to
8 projects like the Town Center, we want to encourage density
9 for the viability, for this dream that the Mayor and Council
10 put forth a couple years back. So my question is this, that
11 same spirit of building the Town Center for this vision of
12 this Pike plan, forget what it looks like now from the plan
13 because it's going to evolve by the time the plan's said and
14 done if it passes, but is there a possibility for a plan to
15 be put in place that wouldn't tear apart the characteristic
16 of the town?

17 MR. BARKLEY: Now, you asked me a question I think
18 I can answer to some degree. Quick history, I've been at 51
19 Monroe Street for 33 years as John nods and knows. I've been
20 a member of the Chamber that long. For many, many years, I
21 lived within the city and loved living in the city. Moved
22 just outside of the borders and I think that I know this area
23 very well. I think the two can coexist and I was part of my
24 Civic Association and I know where you're coming from and
25 your comments, and the Chamber, frankly, mostly now as

1 opposed to years ago, represents smaller businesses so we're
2 not into big boxes, we're not into major developments, for
3 the most part, you have some members who are into that. I
4 think there's a middle ground and when I look at the
5 drawings, when I look at the concepts, I understand that, you
6 know, K Street's not the best thing but there's good things
7 there. I think there is a middle ground to all this and I
8 think that's what you're striving for and I think that's what
9 the city is striving for.

10 I don't think either side should approach it from a
11 negative standpoint that everything's bad about this plan,
12 everything's right about this plan. I think we need to ask
13 the questions. But, I, I think that there is a middle ground
14 there where there's a meeting place between more density and
15 the right kind of density and the right kinds of uses. I
16 sound like a land use lawyer and I'm not one but I think
17 there is a middle ground there. I don't know if that answers
18 your question or not.

19 I'm actually positive about this and I think most
20 of the business community, and I'm talking about the Chamber
21 business community, which is mostly not the major developers,
22 use this as a positive. We need a plan. We need a vision.
23 Question is what is that plan? Where, where are the details?
24 That's my view and I think most of the Chamber's view.

25 MR. TRAHAN: Thank you.

1 CHAIRMAN: I just want to remind you and everyone
2 else that the public record is open until May 27, another two
3 months, and we may extend it later, who knows, but we'll just
4 see so we'll look for as much input as --

5 MR. BARKLEY: I would encourage that. I think our,
6 our view is that we'd be encouraged that it be extended but
7 we will, whatever deadlines there are, we will get you
8 further comment. Thank you again for your time.

9 CHAIRMAN: Thank you. Nancy Regelin.

10 MS. REGELIN: Evening.

11 CHAIRMAN: Hi, Nancy.

12 MS. REGELIN: Nancy Regelin. I'm a land use
13 attorney in Rockville. I'm here as an individual. Having
14 practiced in the City of Rockville for all of my career and
15 having spent most of it tearing down the Rockville mall and
16 trying to rebuild Town Center, so I know what it takes to, to
17 push something uphill when the economic momentum has stalled
18 and the great thing about the Rockville Pike plan is we're
19 not addressing blight here. We're addressing how to make the
20 corridor live up to its potential. So I'll tell you, start
21 off my telling you what I like about the plan.

22 First is, these are the things that I think will
23 help it live to its potential. One, introducing the new
24 street grid to redistribute traffic. I think that's great.
25 Two, take advantage of the Twinbrook Metro Station. I don't

1 think we go far enough and I'll address that but that's a
2 good part of this plan. And, three, we're enhancing the
3 public realm throughout the corridor. I think that's
4 fantastic.

5 So let me talk about the four things that I'm
6 concerned about most. One, how are we going to reinforce
7 Rockville as a regional retail center? Two, how are we going
8 to recognize the long transition period for the Pike to
9 evolve? Three, how are we going to rev up the character of
10 the Pike plan? And, four, how are we going to reform the
11 Form Code?

12 So let me just address what I mean by those things.
13 One, the, the plan says that it recognizes that Rockville is
14 a regional retail center, has two million square feet, less
15 than two percent vacancy, we know shopping will change over
16 time, but that time period is decades, not years, and so we
17 need to have a clear transition plan so that existing retail
18 will continue to prosper and new street retail and new mixed
19 developments can proceed. So we have to give retail what it
20 needs and we have to make sure we do this because otherwise,
21 the hundreds of thousands of square feet in White Flint,
22 their retail space, will suck the vitality out of our Pike so
23 this is very important. Two, we have to recognize that there
24 are long term leases in a lot of these shopping centers and
25 that's why it's going to take 20, 25 years for some of these

1 centers to evolve.

2 So we need to allow existing retail centers to
3 expand, modernize. We cannot characterize those structures
4 as non-conformities and prevent them from re-tenanting or
5 expanding or modernizing to, to basically react to whatever
6 the market demands. Three, rev up the character in the plan.
7 This plan describes any city U.S.A. It's a Form Code. It's
8 the new urbaness model. We need to do some things that say
9 this is Rockville. We need to be visibly transit oriented.
10 We need to integrate the Twinbrook Metro Station with the
11 Pike. We need to have visible bike, you know, all those
12 things that are in it but we need to hit everybody up with it
13 that we're visibly transit oriented and we need to add all
14 those word pictures that excite people, like, where's the
15 entertainment district, where's the family culture area,
16 where's the international village? I mean, there's two and a
17 half miles here. Certainly we can do better than north, mid,
18 and south, all right?

19 And finally, we need to reform the Form Code. Form
20 Codes are good, but we need to, we've layered this Form Code
21 with land use restrictions that are based on hierarchy of
22 streets. I'm concerned about that because the whole plan is
23 governed by the streets and so let's not restrict the market
24 place for where retail will be. We know that all of this two
25 and a half acres is retail now. Let's let the market decide

1 where the retail goes. Let's not say that when by the time
2 you get to Jefferson Street, that you can, you know, only
3 have these few uses. Let's let the market decide. That will
4 keep it, as Brian Barkley said, that will keep the streets
5 safe around where we want residential. We'll have lots more
6 activity. Let's not put restrictions on it. Let's let
7 basically the market decide where the uses go. If you want
8 to talk what the form looks like, make it a Form Code looking
9 at form, but let's leave the land use out of it. Let's go
10 back to the MXTD zone and what uses are permitted in the
11 code, let them be allowed anywhere in, in that corridor. So
12 that's my thoughts. I will be submitting because I have
13 actually attempted to apply the Form Code to a proposed
14 development so I actually have some experience and I will
15 submit some fairly detailed comments about some things that
16 came up as we were going through that process so, okay?

17 CHAIRMAN: Okay. Clarifying questions from
18 anybody? Thank you, Nancy.

19 MS. REGELIN: You're welcome.

20 CHAIRMAN: Gerard Murphy with Washington Area New
21 Automobile Dealers Association. Sir?

22 MR. MURPHY: Good evening.

23 CHAIRMAN: Good evening.

24 MR. MURPHY: Along with the Rockville new car
25 dealers you've heard from earlier this evening, I'm whole

1 heartedly here to reiterate that these businesses be properly
2 considered and included in the Rockville Pike Plan and the
3 Form Code as they have been previously in the Rockville city
4 Zoning Ordinance and comprehensive and zoning plan.

5 I'm Gerard Murphy. I'm President of the Washington
6 Area New Automobile Dealers Association with member dealers
7 in and around the capital beltway and up and down the
8 Rockville Pike. New car dealers in our association have
9 worked closely with the city in zoning matters for a number
10 of years. This is because dealers are intrical part of this
11 community and have indeed been part of the Rockville Pike and
12 Route 355 corridor forever. To leave automobile sales and
13 service uses out of the plan, as this plan does, appears to
14 be an oversight and I would urge that it be corrected.

15 Dealerships along the Pike, of course, they're here.
16 They're up and operating with zoning rights, heretofore
17 established, as I mentioned. Beyond this, it's important to
18 recall that motor vehicles sales and servicing fit into any
19 properly conceived retail sector plan including the upscale
20 urban one being contemplated here tonight. But simply,
21 people shop for cars like they shop for other things at
22 retail, albeit not as frequently. Correspondingly, auto
23 servicing is required regularly on a scheduled basis so
24 consumers look to their dealership to be readily available
25 and conveniently sited I think as others have indicated

1 tonight.

2 The modern dealership, moreover, is a multi-million
3 dollar architecturally pleasing facility that both
4 compliments and enhances any 21st century urban landscape,
5 except in Boston where they don't have any dealers anymore.
6 Full auto dealership uses accordingly should be recognized
7 and included in this plan, the Form Code, so that existing
8 and perspective dealerships will continue to serve the
9 customers as part of the retail setting that's here being
10 considered. Thank you for your attention.

11 CHAIRMAN: All right, thank you very much. Any
12 questions? Dion?

13 MR. TRAHAN: So, Mr. Murphy, let's pretend for a
14 second you and I are gamblers and we're sitting at this
15 gambling table and in your hand you say, my members will get
16 up and leave this 2.2 mile stretch if you do this draconian
17 Form Code and impose these architectural limitations on me,
18 on and on and on, and in my hand I have, there's no way in
19 the world with Science City to our north and White Flint plan
20 to the south and this 60,000 plus traffic that's increasing
21 over the year, are you even going to pull out. So I'm going
22 to call your bluff.

23 Would, number one, if this plan would come to place
24 as it is currently, would your members leave?

25 MR. MURPHY: I don't think so.

1 MR. TRAHAN: Okay, and secondly --

2 MR. MURPHY: In fact, I don't want them to leave.

3 If I gave that impression, I'm, I'm sorry.

4 MR. TRAHAN: No, you didn't and I'm sorry. You got
5 my juices flowing so I'm excited here so please don't take
6 this offensively. But secondly, I guess I hadn't really
7 thought about it because obviously it didn't address it in
8 the Pike Plan but as it currently is, where would these
9 dealerships fit? I mean, would they be in these facades,
10 these boulevards that you're driving down the Pike? I mean,
11 would you just look quickly and there's a big two story
12 window and there's a dealership?

13 MR. MURPHY: It, it could work that way, I mean,
14 there are some around the region, in fact, the one that comes
15 to mind immediately is Chevy Chase Cars which is down in
16 Bethesda which --

17 CHAIRMAN: Right on Wisconsin.

18 MR. MURPHY: -- is a two story facility, for
19 example, and it fits right into the, you know, the landscape
20 there. Somebody mentioned it earlier and I think it's true
21 with respect to the Rockville Pike. It's a lot of big
22 purchases. Obviously, a car's about as big as it gets in
23 terms of a retail purchase and, you know, it certainly fits
24 into that, that structure and I don't think offends, you
25 know, what you're talking about here in terms of trying to,

1 you know, make it more pedestrian friendly and, and resident
2 friendly. I don't know that you're going to have anything
3 like the Shanzelize with it. Hopefully, you won't have
4 anything like K Street either, but the dealerships aren't
5 going to leave.

6 My, my role here tonight is to try to, you know,
7 make it so that, you know, they can, they can continue to be
8 the profitable effective members of the retail community that
9 they have been, you know, for, for decades.

10 MR. TRAHAN: All right, thank you.

11 CHAIRMAN: Thank you very much.

12 MR. MURPHY: Thank you.

13 CHAIRMAN: Terry Tretter. Terry Tretter.

14 MS. TRETTER: All right.

15 CHAIRMAN: Yes, ma'am?

16 MS. TRETTER: Good evening, Chairman and members of
17 the Planning Commission. I'm Terry Tretter. I'm managing
18 partner of Woodlawn Station, a small strip center, located in
19 the middle Pike district adjacent to the Woodmont Country
20 Club. I commend you in trying to upgrade the targeted 2.2
21 mile area of Rockville Pike and make it competitive with a
22 proposed White Flint development. While your plan is a good
23 concept, further thought needs to be given to the
24 practicalities of implementing it and to various features of
25 the plan.

1 First of all, financing will be a major obstacle
2 judging from the fact that Silver Spring already tried to
3 obtain tax increment financing to no avail. Second, the
4 architectural plan, in my opinion, does not provide effective
5 signage and worse yet, hides the businesses behind trees
6 which is frustrating and distracting to people traveling by
7 car and trying to find their destinations. Trees also create
8 a hazard to pedestrians crossing the boulevard by reducing
9 visibility of the pedestrians from the roadway. The plan
10 also proposes public stack parking which has been shown to be
11 a long term financial drain in Rockville City and is not
12 customer friendly in safety or convenience. Most
13 importantly, the plan does not sufficiently address the
14 increase in traffic congestion and overload on schools that
15 will be created by the dramatic increase in residences.
16 Third, the roadways have to be consistent with the White
17 Flint roadways. You can't have a bus traveling in the middle
18 and then all the sudden have to switch over to the side so
19 there has to be some uniformity there. And, fourth, the
20 Committee needs to consider what types of tenants they want
21 to attract and adjust their requirements accordingly, and I
22 can talk about that more after my allotted time, if you wish.
23 Fifth, small property owners who have limited capital
24 available to them and are restricted by the physical
25 constraints of their small and shallow properties, need more

1 incentive to participate. Ironically, under the current MXCD
2 zoning development standards, there's a 75 foot maximum
3 height, whereas under the proposed Form Based Code, the same
4 property is allowed only five stories, actually reducing the
5 potential development expansion. Even larger property owners
6 such as the Woodmont Country Club, who would benefit more,
7 have not been attracted to the plan but might be swayed by
8 stronger incentives.

9 In conclusion, more attention needs to be focused
10 on financing, developer incentives, and the user/tenant
11 friendliness of the planned boulevard street scape and
12 parking. Thank you for giving consideration to my
13 suggestions.

14 CHAIRMAN: Thank you, Ms. Tretter. Questions of
15 anyone? Okay, David.

16 MR. HILL: Yes, you also mentioned incentives. Can
17 you describe what incentives would be compelling?

18 MS. TRETTER: Well, it, it goes back to the
19 feasibility of the developing. If it's not going to create
20 added dollars, you can't afford to develop. So that
21 translates into added density. You can give different zoning
22 allowances and so forth, that has to be explored, but it has
23 to make sense for you to redevelop or you'll end up with
24 little pockets of people who can't.

25 MR. HILL: Okay.

1 CHAIRMAN: Thank you. That's all I have on the
2 advance call in sign up sheet. David we have -- does anybody
3 else wants to sign on the sheet? Okay.

4 MR. HILL: This is everybody who signed up.

5 CHAIRMAN: Everybody so far, all right. Thank you.
6 Next on our list is Anne Goodman. I put a wildlife preserve
7 sign out front but we haven't go there yet.

8 MS. GOODMAN: My name is Anne Goodman. I live at
9 1109 Clagett Drive in the Twinbrook neighborhood. I, I'd
10 first like to say a few words about the document itself from,
11 from just the point of view of, of someone who, who had to
12 read it from an electronic copy which I found difficult
13 because it was 300 pages long and I'm just not that use to
14 reading electronic copies. And I do think that it was a good
15 thing that the city put a few hard copies out in the library
16 and the various places but I, I really thought three was
17 pretty minimal for, for a community that has 65,000 people in
18 it. The document's links made it impractical to print almost
19 300, 300 pages. Interestingly enough, our word processing
20 system couldn't search it. We can search other PDF files but
21 somehow this one was not searchable so I'm, I'm assuming that
22 I was not the only one who had that problem. So I think a
23 little bit better job could have been done about making the
24 document readily available so people could, could easily
25 review and analyze it.

1 Some of the major problems that I saw, and these
2 are generalities but, because I'm not a, certainly not a land
3 use developer, but infrastructure problems were some of the
4 things that came to my mind. We've said a lot about APFO; I
5 don't think anything else needs to be said about that. But,
6 I'm concerned about -- we've said a lot about building around
7 metro. I'm concerned about stresses on metro. Metro's not,
8 not holding up very well these days.

9 So, in addition, I'm concerned about water, sewer,
10 and after the last year, I'm concerned about the electrical
11 grid and the ability of that, of that to support all of this
12 development. And, it's not clear to me that the changes in
13 the traffic are really going to handle what, what I see is
14 some, some real congestion problems coming down the Pike.

15 The plan does not address the impact on the
16 environment. I would like to see development projects of
17 this scope required to have environmental assessments or
18 environmental impact analyses because we're killing our
19 streams and waterways with all this water runoff. I'm taking
20 a water shed academy course and it, it's really, it's really
21 coming home how, how, what poor shape our streams and rivers
22 are in. The plan also, although I don't really expect it to,
23 I, I would like for you as Commissioners to consider the
24 impact that all of this development is going to have on
25 adjacent neighborhoods. It's going, the, the amount of

1 traffic on the Pike is going to increase, that's going to
2 increase in the neighborhoods because people are going to do
3 more cutting through. They may try to actually avoid the
4 Pike. So there's going to be a lot more traffic, a lot more
5 stress on the, on the, on the roads, a lot more noise in, in
6 the neighborhood, and I, I agree with the concerns that have
7 been expressed about, about small stores being run out by
8 this plan and my having to go greater distances to buy my
9 batteries, I love the battery store, and get, go to a shoe
10 repair place or a locksmith.

11 So I would ask you to -- oh, one other thing I
12 would like to say is diversity. Twinbrook is a diverse
13 neighborhood and I, I sort of like that and I don't see the,
14 the people, the new residents that would be coming in to this
15 area reflecting that diversity. Thank you.

16 CHAIRMAN: Thank you. Questions of Anne?

17 MR. TRAHAN: Ms. Goodman, I know you said you
18 weren't a real estate attorney but you argued just as good as
19 any I've seen so far. You look like you felt a little rushed
20 so I just wanted to ask, is there anything else you wanted to
21 tell us that you just didn't have time to?

22 MS. GOODMAN: Well, I have more extended written
23 comments and I plan to submit those.

24 MR. TRAHAN: Okay, thank you.

25 CHAIRMAN: And I can tell you, we'll be hearing

1 from Anne again on a number of issues. Okay, Jim Farrelly,
2 how are you, sir?

3 MR. FARRELLY: Good, as long as I have my cane.
4 Hi, my name is Jim Farrelly and I also live at Twinbrook at
5 1109 Claggett Drive. Anne is my wife.

6 The Twinbrook neighborhood lies adjacent to almost
7 the whole of the proposed Rockville Pike Plan. Other than
8 about half of the north Pike section. Because of this, we,
9 who live in Twinbrook, will be highly affected by the
10 proposed remodeling. This will be short and sweet.

11 Tonight, I will tell you not what I think is wrong
12 with the plan, other than to say that Rockville is not
13 Barcelona and does not need a high end shopping street lined
14 on either side by high rise homes. Take a look at the plan
15 where the grand boulevard is pictured, you will see what I'm
16 talking about. Rather, we need to preserve the sense of
17 neighborhood that we now have with the large number of small
18 shops and restaurants that are available to us along the
19 Pike. This wasn't the picture that I meant. The Pike Plan
20 will disrupt the lives and businesses of many people who have
21 already set up shop here. We'll probably drive the
22 businesses out of the city because the rents and so called
23 trendy neighborhoods are much higher than those that are less
24 trendy. Consider that there are about dozen ethnic and non-
25 ethnic restaurants in the Richie Center alone. My wife and I

1 have given custom to numerous of them. Going south along the
2 Pike, we can think of losing businesses that we frequent
3 along the route, Wintergreen Plaza right off Edmonson Drive
4 close to where we live, Talbot Center, Woodmont Shopping
5 Center, as well of all of Congressional Plaza. The plan will
6 be wiping out many places that have appeared in the
7 Washingtonian Magazine's lists of the best and best
8 inexpensive eateries over the last several years. It would
9 lose Blooms, a high end grocery store, yeah. The city has
10 not been able to attract a grocery store to the downtown area
11 since its been built. It (indiscernible) McGruders but
12 fortunately the plan does not extend to the space to which it
13 moved in north of the plan. I think that I've said enough.
14 Just think of what you will be losing to bring high end
15 congestion into our fair city.

16 CHAIRMAN: Thank you, Jim. Questions?

17 MR. HILL: Mr. Farrelly? Mr. Farrelly, you
18 mentioned the interface between the Twinbrook neighborhood
19 and Rockville Pike is very extensible on there.

20 MR. FARRELLY: Uh-huh.

21 MR. HILL: Do you think the greater connectivity
22 between Twinbrook and the Pike is better or is that a concern
23 for you?

24 MR. FARRELLY: It would, it would, it would be good
25 to have greater connectivity. Really the only place for us

1 is Edmondson but we're really close to that. Edmondson now
2 is sort of a zoo because they changed the middle of Edmondson
3 to put a couple islands in there. Now what's going to happen
4 are people are going to go down Louis, make a left onto
5 Clagett where we live, and go down and avoid those islands.
6 The islands are pretty poorly thought out because people
7 can't put their garbage cans on the street because of the
8 islands. So it's going to be more congestion in our area
9 because, if this Pike thing gets through, but it would be
10 nice to have other places to get over to the Pike, maybe a
11 little down Louis. But saying that, people will want to have
12 Louis widened and Louis is a pretty small, pretty small
13 street. The only way to widen it would be to clip out all
14 those houses that are over by the railroad and I'm afraid
15 that a lot of, a lot of Twinbrook will be disrupted, that'll
16 be really bad for --

17 CHAIRMAN: Brigitta already laughed.

18 MR. FARRELY: Yeah, Brigitta.

19 MR. HILL: Thank you for expressing your opinion.

20 MR. FARRELY: I'd like to say something about the
21 Barcelona street. I, I'm from Manhattan. I lived in
22 Manhattan until I went in the army and, and in about 19 --
23 the end of the '40's my street actually put trees, they put
24 trees on my street and they died in about three years because
25 they were just had buildings that were five stories high on

1 either side of them. The only time they saw sun was at noon
2 and I think that's the same thing you're going to have here.
3 If you're putting seven story buildings on Rockville Pike,
4 putting trees along the area, they're not going to see enough
5 sun to survive and unless they're natives, they would have a
6 much better chance if they were native trees, but we don't
7 seem to get too many native trees here in Rockville.

8 CHAIRMAN: Okay, thank you very much. Dan Fahey?
9 Yes, sir, with visual.

10 MR. FAHEY: With visual. This is my vision of what
11 Rockville Pike will look like. It's not a very pleasant. Of
12 course, you can see that it's uncrowded and I lived, I've
13 been in -- I've lived in Rockville since 1955. My parents
14 live in Edmondson Drive, Raceway Alley, and we've experienced
15 more than the average vehicle attacks coming up and down the
16 street, okay? I own a business, 1010 Rockville Pike, we own,
17 I own Dansources Technical Services. It's an IT staffing and
18 consulting company and I've seen the destruction of downtown
19 Rockville.

20 When I saw this, I was livid. I envision this as
21 being Godzilla the sequel number six. When I saw -- I
22 remember downtown Rockville and it was kind of interesting
23 seeing the Railroad Center, Murphys, the Villa. It was kind
24 of, it was very, very community. It's very, very tight
25 community and I, I recognize my neighbors off of Claggett,

1 even though I don't live there right now. I live in
2 Germantown. But, the same thing, I am very angry of what,
3 what's going on here. It seems like the residents do not
4 have control of their own destiny in their own city.

5 When they put up the new Rockville Town Center in
6 1970, put up a fort, a wall, a rampart with gun slips, moved
7 everything around the city like this, you couldn't get into
8 Rockville. You still can't get into Rockville Town Center
9 easily. It's a pain in the neck. My, my opinion of this is
10 to carefully look at what you want to do in Rockville because
11 there's nothing wrong with Rockville Pike the way it is now.
12 It has character. It has heritage. It has history. And
13 none of this seems to be brought into the picture when it
14 comes down to Rockville. It's missing. We lost a lung and
15 an arm when you tore downtown Rockville and when you tried to
16 rebuild it, you, you muffed it up so much, you had to do it
17 two or three more times. It's not working. It's a mess.
18 It's overcrowded. We don't need any more people coming here.
19 We don't need outsiders telling us how to, to build our
20 cities. We need to listen to the residents as to what
21 Rockville needs to look like and look at our heart. Thank
22 you for your time.

23 CHAIRMAN: Okay, thank you, Dan.

24 FEMALE VOICE: You intended to give the --

25 MR. FAHEY: Oh, oh, here. Do you want it like it

1 is or --

2 CHAIRMAN: Put it on -- Dan.

3 MR. HILL: Why don't you put it on the easel right
4 there.

5 CHAIRMAN: Dan, put it on the easel over there.
6 Right there. The camera can pick it up too. There you go.

7 MR. FAHEY: (Indiscernible.)

8 MR. HADLEY: We'll give it over to our --

9 MR. HILL: Do you have it electronically? We can
10 make copies.

11 MR. FAHEY: Yes. Yes, I can make it electronic --

12 MR. HILL: Just send it along and we'll get it to
13 all the Commissioners.

14 CHAIRMAN: While we're handling administrative --

15 MR. FAHEY: Do I have enough time?

16 CHAIRMAN: For what? Oh, yeah. Yeah, Noreen
17 Bryan, please. Hi, how are you.

18 MS. BRYAN: Hey, how are you.

19 CHAIRMAN: Okay.

20 MS. BRYAN: My name's Noreen Bryan. I live at 207
21 South Washington Street. My testimony tonight is based on
22 the fact that I've lived here for 25 years and my
23 participation in the communications task force.

24 The CTF engaged an interactive discussion with the
25 wide range of citizens in Rockville and asked them their

1 experience and their recommendations for improving the
2 development approval process. Unanimous frustration was
3 expressed. Citizens felt they only learned of a proposed
4 development after it was fully flushed out or nearly so by
5 the developer in cooperation with city staff. Over and over
6 again we heard it was a done deal. Citizens felt their voice
7 was not fully heard or taken into account in the decision
8 process. Citizens want to be fully vested stakeholders in
9 development decisions in Rockville.

10 Much in the Form Code administration section is
11 directly contrary to the recommendations made by the citizens
12 through the CTF. Instead of engaging citizens in the
13 decision process, the Form Code proposes to fully exclude
14 citizens and their government representatives, the Boards and
15 Commissions, yourselves, the Mayor and Council from that
16 decision process. I think this is a good reason why you need
17 to send this back for a serious relook.

18 Why do I -- what are the basis for these? Let me
19 give you the facts out of the Form Code. In the proposed --
20 in Paragraph 1.1b, code administrators, it states all
21 projects within the Rockville Pike District Form Code shall
22 be subject to review and approval, and I emphasize the word
23 approval, by the Chief of Planning upon recommendation of the
24 town architect and the development review committee.
25 Paraphrasing, this says that a staff member of our Rockville

1 planning department will be authorized by code to approve all
2 development along the Rockville Pike. By this statement, the
3 Form Code would eliminate the roles of the Planning
4 Commission, the Board of Appeals, the Mayor and Council, and
5 citizens in the approval process. This is contrary to
6 democratic government as we've known it in Rockville and
7 contrary to everything we heard from citizens who were
8 interviewed by the CTF. No one expressed the view that it
9 would be desirable or serve the future of Rockville to
10 turnover decisions to future developments to city staff.
11 Paragraph 1.10.C.2, I quote, "such projects will be required
12 to meet the intent of the code and will be evaluated in terms
13 of how well they conform to the code." By this statement,
14 the Zoning Ordinance becomes a guidance document, not law
15 offered developments along the Pike. New developments would
16 be required to meet the standards, would not be required to
17 meet the standards of the Zoning Ordinance. The Chief of
18 Planning would only have to consider the application in light
19 of the intent of the code and make a subjective decision of
20 the goodness of its conformance to the code. Said another
21 way, the Chief of Planning would be allowed to approve new
22 development based on his or her own subjective views of the
23 merits of an application. This would leave approval of new
24 developments to a single individual, it has no accountability
25 to citizens.

1 Finally, Paragraph 1.1.3, conflicting provisions,
2 states whenever there appears to be a conflict between these
3 revelation and other requirements of the zoning code,
4 requirements specifically set forth in these regulations
5 shall prevail. This statement gives the code, Form Code,
6 precedence over the existing Zoning Ordinance making it
7 subservient to the Form Code. In other words, if there's
8 even an appearance of a conflict between the Form Code and
9 the Zoning Ordinance, the rules and regulations of the Zoning
10 Ordinance are no longer applicable.

11 Adding it all up, the Form Code would make
12 citizens, boards, and commissions, and the Mayor and Council
13 feel relevant in development decisions along Rockville Pike.
14 The decision authority would be vested in a single individual
15 who has no accountability to citizens. He, she, or she would
16 be allowed to make decisions that do not conform to the
17 Zoning Ordinance which would no longer have teeth because it
18 would be subservient to the Form Code. This is a dangerous
19 path that would take the future of Rockville out of the hands
20 of its citizens and their representatives elected and
21 appointed. For this reason alone, I strongly recommend that
22 you, the Planning Commission, reject the plan or at least the
23 Form Code as it is currently embedded therein. Further, I
24 recommend that you return the plan to its originators with
25 instructions to develop a plan that conforms to Rockville's

1 coded law. Thank you very much.

2 CHAIRMAN: Okay, thank you, Noreen. Questions?
3 Appreciate your comments. Do you have those in writing for
4 us over here at some point? Vicki McMullen. Thank you for
5 hanging on.

6 MS. MCMULLEN: Thank you. In fact, I'd like to ask
7 every member of the Planning Commission to stand up and
8 stretch. I'm serious.

9 CHAIRMAN: If we did that, we couldn't sit down
10 again.

11 MS. MCMULLEN: Anyone who'd like to be excused to -
12 - okay. I'm a teacher, you know, I can't help myself.

13 MR. HILL: Is that an APFO comment?

14 MS. MCMULLEN: Yeah. Okay, so I'll tell you a
15 bedtime story to put you back to sleep. Once upon a time,
16 the big thing in city planning was urban renewal and it was
17 idealistic, it was well meaning, it was great in theory, but
18 in Rockville, urban renewal gave us the old Rockville mall,
19 need I say more.

20 The Gazette once asked Mayor Giammo why the old
21 Rockville mall failed. He answered, it failed because it
22 didn't respect the way people live their daily lives. Now
23 let's look at the current draft Rockville Pike Plan. It's
24 idealistic. It's well meaning. Maybe great in theory. It's
25 a walkable, transit oriented utopia right here in Rockville.

1 But I'm wondering, does this plan really respect how people
2 in Rockville live their daily lives?

3 One of the developers last Wednesday said that this
4 new density, this new high density residential development
5 was for generation Y and retirees, if you'll recall. Picture
6 these folks. First the Gen Y couple. Each has a job, the
7 husband use to take the Red Line to work until his job got
8 transferred somewhere out on 270 or off 270. His wife worked
9 as a librarian in Rockville until the county transferred her
10 up to White Oak so she has to take the bus every day to White
11 Oak and back. Driving since they were 16, can you picture
12 this now affluent young couple giving up the freedom of
13 driving to ride buses for hours each day to get to work? On
14 weekends they'll go downtown to DC on the metro because the
15 weekend is the only time they can possibly get a seat and
16 since the metro system is about to discontinue late night
17 hours, these Gen Yers will have a midnight curfew on Friday
18 and Saturday nights, and despite what developers and planners
19 tell you, these Gen Y couples will have children eventually,
20 at least. So without the APFO, picture the kids in these
21 high density developments, high density multi-family
22 developments, crammed into overcrowded schools stacked in
23 hallways and in portables like cordwood.

24 And the other group, the retirees, did anyone ever
25 try to take the car keys away from an elderly relative who

1 really should stop driving? Try telling a 65-year-old
2 retiree not to drive. Have her walk to the store. Okay,
3 there she goes, it's Aunt Martha walking six blocks carrying
4 milk, orange juice, kitty litter, struggling to make it
5 across ten lanes of traffic in the cold rain and there's
6 uncle John with his trick knee trying to bring home a sheet
7 of plywood from Home Depot on his bicycle, or there he is
8 walking to the ATM and back at 5 p.m. on a late November
9 afternoon in the dark.

10 This draft plan, I believe, does not respect how
11 people actually choose to live their daily lives, at least
12 not here in Rockville. It says it's how the consultants
13 think people should live their lives. Apparently city
14 planners know best how we should live our lives, but like it
15 or not, people are going to live the way they want to live,
16 not how city planners tell them that they should live. So
17 this plan isn't my vision, clearly, for Rockville. It's a
18 delusion.

19 As the Planning Commission spending most of this
20 year in work sessions trying to make a silk purse out of a
21 sow's ear, I fear that you will be wasting your time and that
22 you will get the city no closer to solving our problems. So
23 I urge you to go ahead and send this thing back to the
24 drawing board. Thank you.

25 CHAIRMAN: Thank you, Ms. McMullen. Questions?

1 All right, thank you very much. John McKee, good evening,
2 sir.

3 MR. MCKEE: I'm a minority person now partly
4 because I'm white and Caucasian and --

5 CHAIRMAN: You're wearing a green shirt.

6 MR. MCKEE: -- 48 percent but I'm wearing my Arey
7 shirt --

8 CHAIRMAN: That's right.

9 MR. MCKEE: -- and I'm, after all the developers,
10 I'm just speaking as a citizen for myself.

11 CHAIRMAN: Good.

12 MR. MCKEE: Okay, I sent comments in on January
13 16th and received no acknowledgment and I'm going to repeat
14 those comments that were sent in. They did put me on the
15 mailing list for information but you don't have a process
16 like Rockville does where you acknowledge the comments.

17 MR. HILL: Mr. McKee, if that's so, I apologize
18 greatly. We do have a policy --

19 MR. MCKEE: I have a copy of the email.

20 MR. HILL: Thank you. We attempt to respond to
21 every single person.

22 MR. MCKEE: Okay.

23 MR. HILL: So I apologize if we haven't.

24 MR. MCKEE: Okay. Anyways, this is from me. I
25 live in 3 Clemson Court, Rockville, Maryland. I have lived

1 here since 1967 and my comments are the plan clearly
2 indicates that the plan envisions increasing traffic, it
3 clearly states that, and density on Rockville Pike, both
4 these things have been discussed by many others before. The
5 developers like the density because it increases their dollar
6 per square foot and that was clearly established. Both are
7 already problems. Chapter 3 key findings, subparagraph 4,
8 transportation paragraph 4, says that Rockville Pike is near
9 it's vehicle moving capacity at peak times. It also says
10 that traffic signals are timed to favor Rockville Pike and
11 keep the traffic flowing, that's not really true. As streets
12 such as Woodmont are demand lights that for 20 years have
13 been unsynchronized with traffic flow. Twenty years. You
14 can't, you can't bring it up. I've tried to bring it up to
15 state officials and stuff like that and they just don't want
16 to talk about it and part of the problem is the conflict
17 between the state and the Rockville, you know, it's a state
18 street and it's in Rockville so that's a problem.

19 To make the statement true, the demand lights need
20 to be synchronized and as Chapter 3, subparagraph E, critical
21 lane volume analysis, tells us that the city's traffic
22 standards and existing and projected traffic volume will not
23 allow the development and vision. You clearly state that in
24 your, in your looking at relaxing, getting off from
25 Rockville's traffic standards to solve that problem which

1 probably doesn't really do it. Chapter 3, paragraph C, land
2 use, or paragraph 6, talks about the low density of current
3 use, .035 floor to area ratio, this is back to the density
4 thing, hinting, clearly, that the plan will be to increase
5 this and to increase traffic. It comes with increased usage.
6 Chapter 7, implementation, subparagraph B4, reveals the need
7 to acquire rights-of-way to add these extra lanes. This is
8 going to take money which currently is in very short supply,
9 on the county, the federal, the state, and the local levels.
10 Subparagraph D2 indicates the need to create a position of
11 town architect. We're already putting in a bicycle manager
12 for \$72,000, is more than I ever made in my life, and is
13 another annual expense and at 17,500 households in Rockville,
14 that's \$5.00 a person. If this architect's going to make the
15 same salary as a bicycle and probably more and I don't feel
16 like paying \$5.00 for an expert who's going to have all these
17 complications that the other lady was pointing out. Okay,
18 almost done.

19 Woodmont Country Club also, accordingly to the
20 Gazette, recently discussed developing their property along
21 the Pike. They were going to get together with Phyllis and
22 instead they got together with Scott Ullery, the City
23 Manager, and they were talking about that so that lovely open
24 little stretch there is going to vanish. The end result of
25 waiving Rockville traffic standards, spending money for

1 right-of-way and staff, massive reconstruction to a
2 boulevard, will be a dense street like K Street which is the
3 goal and profits flowing to the pockets of developers from
4 the tax payers. Since 1967 I've been paying to build a mall
5 at 98 million dollars for the Rockville Town Center that
6 cleared the place out. I paid -- 17,500 households in a 98
7 million dollars is quite a chunk of money every household
8 paid to clear that place out for the mall. This thing is
9 going to buy rights-of-ways and all this road construction.
10 I know where the money's coming from, it's coming out of my
11 pocket again. And then with added public facilities
12 ordinance, we're going to have the problem building more
13 schools. I live in College Gardens. They just rebuilt the
14 school and now they're wanting to add two portable classrooms
15 behind it because they didn't make it big enough so we
16 already got problems there. These people are going to have
17 to go somewhere if kids, kids are there. So something needs
18 to be done to plan, to, to abrogate the massive cost to the
19 tax payers to pay for all these plans and the design and the
20 development and the adequate public facilities and, and all
21 the like of those things while the businesses will flow with
22 the higher density and the higher (indiscernible) -- so maybe
23 something like a front foot benefit charge to developers
24 would make them less enthusiastic.

25 I've been sitting here and there's been like, what,

1 were there 28 lawyers and developers and now we're down to
2 the tax payers so my thought is, the tax payers are kind of
3 getting -- I as a tax payer am getting tired of paying for
4 the grandiose plans like the Town Center that have not always
5 successfully worked out. The mall was the first one; I
6 objected that one but way back then by the way too, and Town
7 Center, I objected to that one too. I talked to every member
8 of the City Council and the Mayor and, and now they're asking
9 me to pay for another grand plan and there must be some way
10 to make the people who benefit from this in the end, the
11 developers, the great increase to density, to pay it, maybe a
12 front foot benefit or something like that. I don't know what
13 the exact name would be but improvement charge or a taxable
14 district or something. That's not in this document that I
15 can see.

16 CHAIRMAN: Okay, thank you.

17 MR. HILL: Mr. McKee, we did receive your document
18 before and so we apologize for --

19 MR. MCKEE: It would have come back with an error
20 message.

21 MR. HILL: Yes, yes, and we have you on the list.

22 MR. MCKEE: (Indiscernible) not received.

23 MR. HILL: Exactly, right.

24 CHAIRMAN: Okay.

25 MR. MCKEE: I knew you got it but it's a good, it's

1 a good (indiscernible).

2 MR. HILL: We apologize. We make that a point
3 generally.

4 MR. MCKEE: But you already have my comments that's
5 why I didn't --

6 MR. HILL: Believe so but why don't we make a copy
7 just to make sure, I mean, we've got you on our list of
8 copies that we have so --

9 MR. MCKEE: If I put it in, as in --

10 CHAIRMAN: I have on my list here a Gerard Murphy
11 again. I don't believe he knew that we had him on the
12 original list. Is there anyone else in the audience that
13 would care to speak or -- yes, sir, please come forward.
14 Name and address for the record.

15 MR. HILL: We have one more, sir.

16 CHAIRMAN: What?

17 MR. HILL: Kevin Zaletsky.

18 MR. ZALETSKY: That's me.

19 CHAIRMAN: Oh, that's him, okay.

20 MR. HILL: It was just signed in.

21 MR. ZALETSKY: I did so I am your last. Good
22 evening, Commissioners, my name is Kevin Zaletsky. I live at
23 101 North Street in Rockville. I've lived there for seven
24 years. I do appreciate the opportunity to come before you,
25 talk about the Rockville Pike Plan, as it will certainly have

1 major repercussions on our community for many years to come.

2 Like many citizens of Rockville, probably not
3 unlike yourselves, I can certainly appreciate the vision of
4 something better, you know, for Rockville Pike. I'd love to
5 see a greener, less congested, more architecturally striking
6 boulevard to take the place of some of the outdated concrete
7 strip malls and buildings, you know, that currently make up
8 the Pike today. Sadly though, I fear that our city may be
9 ready to sell its soul in this plan in exchange for some
10 empty promises. Specifically, I'm referring to the
11 suggestion that the city would have alter or abandon its
12 adequate public facilities ordinance as a condition simply
13 for this plan to move forward. I think it's very important
14 that everybody here tonight realize that the APFO sets
15 minimum standards for our public infrastructure and services
16 so that we as a community have agreed are vital to our basic
17 quality of life and to the livability to the City of
18 Rockville. If we're saying that we cannot (indiscernible)
19 the Pike Plan without weakening or eliminating our APFO, then
20 in essence, what we're saying is that we cannot enact the
21 Pike Plan without breaking our city, without detracting from
22 Rockville's fundamental livability and our fundamental
23 quality of life. Excuse me. I would argue that if that is
24 indeed our choice than our choice should be an easy one here.
25 If this proposed development concept is supposed to improve

1 our traffic patterns, supposed to incorporate easy public
2 transportation, it's supposed to encourage walking and
3 biking, then why should we be required to raise our
4 intersection thresholds in order to accommodate it? If it's
5 going to do all these things, shouldn't that cut down the
6 traffic, you know, on the Pike? Why do we have to lower our
7 standards for traffic? It doesn't make any, any logical
8 sense. Adding extra lanes, infrastructure improvements,
9 other advances should serve to decrease, you know, those
10 critical intersection ratios and they probably would if they
11 weren't accompanied by overwhelming high density expansion
12 that I think clearly needs to be scaled back.

13 That same expansion threatens to critically burden
14 our already overtaxed schools. As everyone knows, most
15 Rockville elementary schools are pushing 30, 40, even 50
16 percent over capacity rates and mobile trailer cities behind
17 our schools have now become the rule instead of the exception
18 at our elementary schools. Let me ask everyone here, how
19 many of you went to school in a trailer? Is that really what
20 we want for our children? It's certainly not what I want.
21 Yet, in the face of this crisis, you know, some people
22 suggested, it's not really the city's place to involve
23 themselves in those types of matters and school
24 infrastructure issues. They say they should be addressed
25 solely through MCPS and not through a municipal APFO. To

1 answer that, I would simply say, well, of course we should
2 engage with MCPS to do a better job at providing adequate
3 school facilities for our children but why should we not
4 maintain our APFO and apply pressure on MCPS? If MCPS does
5 do their job, if they provide the schools that are needed to
6 let the children go to school, then everybody wins. The
7 developers get to build the buildings they want to develop
8 and our children get to go to school in buildings instead of
9 trailers. Well, let me ask you, what happens if MCPS doesn't
10 do their job?

11 If we've eliminated or neutered our APFO, what
12 recourse then do we have as a city to protect ourselves? I
13 watched last year during discussions of the master growth
14 element when this very Commission came to the conclusion that
15 you really couldn't rely on the MCPS number on the accuracy
16 of the school capacity numbers that MCPS was projecting. You
17 know, that being said, why would our city relinquish all of
18 its control, you know, over this issue and place it, place
19 it's trust in an external bureaucracy that has proven
20 essentially to be consistently wrong? I would also contend
21 that if our city officials stop sending mixed messages about
22 getting rid of our APFO, development interest would start to
23 exert their significant influence and their significant
24 resources to start lobbying the county to provide the schools
25 needed to support new development instead of expending their

1 resources and effort on trying to circumvent our own city
2 laws. Do we really think that develop the land along the
3 Pike is going to sit vacant? No, I guarantee these
4 developers are going to start lobbying the county and saying,
5 hey, build the schools that we need so we can, so we can get
6 this done. I don't know why we would want to take that away
7 from ourselves.

8 Closing, I'd just like to say that last week I
9 watched former Rockville Mayor Jim Coyle deliver a pretty
10 impassioned warning about enacting this plan. I know that
11 former Mayor Larry Giammo appeared before the Planning
12 Commissions APFO Committee to caution against weakening the
13 protections of the APFO. Our current Mayor, Phyllis
14 Marcuccio, has been adamant in her defense of the APFO on
15 numerous occasions. I would certainly hope that with so many
16 of our highest elected city officials charged with the
17 ultimate responsibility of protecting and preserving our
18 community, if so many of them warn of the folly of abandoning
19 our APFO, I would certainly hope that that would cause this
20 body to at least take some pause and we see so many former
21 Mayors who clearly are aware of the issues that, that
22 confront us. I think there is a way that Rockville can find
23 a positive way forward for the Pike but without selling out
24 our city in the process. I thank you for your consideration.

25 CHAIRMAN: Thank you very much. Any clarifying

1 questions?

2 MR. HILL: I'd just like to make a comment and
3 compliment Mr. Zaletsky on his explanation of one of the
4 strategies of the APFO out there. I don't think a lot of
5 people understand that this is the way to get the people that
6 have the resources to do what they should be doing.

7 MR. ZALETSKY: Absolutely. The developers -- and
8 I'm sorry to, to comment on your comment but a lot of the
9 developers seem to speak about the APFO as if the APFO is a
10 problem. It's not the APFO that's a problem, it's
11 overcrowded schools and traffic that's a problem. It's not
12 the APFO that's a problem. So if we're looking at
13 eliminating the APFO, we're not looking at solving our
14 problems and I think we need to be very, very aware that, and
15 I think your Committee needs to be extremely aware, that as
16 they perform their deliberations on the APFO. Thank you very
17 much.

18 CHAIRMAN: Thank you. Anyone else in the audience
19 who would care to speak now or perhaps reconsideration or
20 wish to speak further as the spirit moves you? All right,
21 well, I'll close this public hearing. We have -- and --

22 MR. LEVY: Would you like to reiterate that the
23 public record remains opened --

24 CHAIRMAN: Why don't you do that for a change.

25 MR. LEVY: Okay.

1 CHAIRMAN: Go ahead.

2 MR. LEVY: Never let it be said --

3 CHAIRMAN: That's right.

4 MR. LEVY: -- that we didn't say it. I like to do
5 it in the beginning and the end.

6 CHAIRMAN: It's all on the website.

7 MR. LEVY: Absolutely. The public record will
8 remain open until May 27th. We encourage written testimony.
9 The Planning Commission will review all of it deliberately as
10 much as they have the oral testimony. If you'd like your
11 testimony to be part of the deliberations when the work
12 sessions start, please submit by April 15th. The earlier the
13 better.

14 CHAIRMAN: Okay. Up on the website at
15 [rockvillemd.gov, RockvillesPike/meetings.htm](http://rockvillemd.gov/RockvillesPike/meetings.htm). If you go and
16 work down in that, our schedule that we have of all our work
17 sessions and how we're going to be proceeding all the way
18 through this, through the summer and into next fall, it's all
19 there. So follow that and keep sending us your comments and
20 those folks who are watching us on television, if you have
21 thoughts that you have thought about after listening to the
22 public hearing last week and this week, please take the time
23 to let us know. Write them down and send them into the
24 staff. We would certainly appreciate it, particularly
25 interested in Civic Associations or individual citizens and

1 their views that they might have. So with that, I think we
2 will take a three minute break while we get reset here and
3 let all the Commissioners stretch and then we'll be back in
4 about three minutes. Okay, thank you.

5 (Whereupon, the proceedings were continued.)

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DIGITALLY SIGNED CERTIFICATE

DEPOSITION SERVICES, INC., hereby certifies that the attached pages represent an accurate transcript of the electronic sound recording of the proceedings before the City of Rockville's Planning Board in the matter of:

ROCKVILLE PIKE PLAN

Meeting 06-11

By:

A handwritten signature in cursive script, reading "Candace L. Cornette".

Date: March 26, 2011

Candace L. Cornette, Transcriber